

# **EXHIBIT 14**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:23-cv-897

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IN RE : )  
 )  
CAMP LEJEUNE WATER )  
LITIGATION )  
 )  
This Document Relates To: )  
 )  
ALL CASES )  
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**VIDEOTAPED VIDEOCONFERENCE DEPOSITION**

UPON ORAL EXAMINATION

OF DAN WADDILL, Ph.D.

TAKEN ON BEHALF OF THE PLAINTIFFS

Norfolk, Virginia

Tuesday, August 6, 2024

11:07 a.m. EST

Reported by:  
Bobbi J. Case, RPR, CCR

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2

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Also Present:

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Gary Payne, Jr., Video Specialist

19

Golkow/Veritext Litigation Services

20

21

22

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25

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Risks--Environmental Hazards in  
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Exhibit 4 Memo from Dan W. Waddill to 75

Memo from Dan W. Waddill to 75

Scott R. Williams and Kim P.

Brown; Subject: RE: Agenda for

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2010; Signed by

dan.waddill@navy.mil; with

attachment; Contains Infor

Subject to Protective Order: Do

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HC 000000975-1011

Exhibit 5 Camp Lejeune Data Mining 88

## Technical Workgroup Plan of

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Quote"; Contains Information

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1                   Not Disclose to Unauthorized  
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25                   HC\_0000000319-362

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15	Exhibit 9	Various documents with cover sheet being Action Items: Dan & Morris meet, Notes, Contains Information Subject to Protective Order: Do Not Disclose to Unauthorized Persons,	137
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1                   Dan W. Waddill to Mary Ann  
2                   Simmons, Scott R. Williams,  
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4                   Brian P. Harrison, Wanda Holmes,  
5                   Edward J. Newbaker, Christopher  
6                   D. Gamache, Christopher P.  
7                   Rennix, and Uzo Chukwuma;  
8                   Subject: RE: Major After  
9                   Action from DON/ATSDR Meeting of  
10                  7/16/09; signed by  
11                  dan.waddill@navy.mil; July 17,  
12                  2009; 6:07 p.m.; Contains  
13                  Information Subject to  
14                  Protective Order: Do Not  
15                  Disclose to Unauthorized  
16                  Persons; CLJA\_NAVY\_WADDILL  
17                  \_HC\_0000000909-974  
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20                  Morris meet, Notes, Contains  
21                  Information Subject to  
22                  Protective Order: Do Not  
23                  Disclose to Unauthorized  
24                  Persons, CLJA\_NAVY\_WADDILL\_  
25                  HC\_0000000153-220

1 Exhibit 13 Analyses of Groundwater Flow,  
2 Contaminant Fate and Transport,  
3 and Distribution of Drinking  
4 Water at Tarawa Terrace and  
5 Vicinity, U.S. Marine Corps Base  
6 Camp Lejeune, North Carolina:  
7 Historical Reconstruction and  
8 Present-Day Conditions; Chapter  
9 A: Summary of Findings; ATSDR,  
10 Atlanta, Georgia; July 2007;  
11 Contains Information Subject to  
12 Protective Order: Do Not  
13 Disclose to Unauthorized  
14 Persons; 116 pages,  
15 Exhibit 14 ENCToday.com Article: ATSDR 165  
16 report sheds light on extent of  
17 Lejeune water contaminants;  
18 October 22, 2010; Contains  
19 Information Subject to  
20 Protective Order: Do Not  
21 Disclose to Unauthorized  
22 Persons; CLJA\_NAVY\_WADDILL\_HC  
23 \_0000000823-908  
24  
25

1	Exhibit 15	Flights of Imagination; Intelligent Design; An essay on Intelligent Design from Salvo #65 in Headquarters; An Engineer Examines Darwinian Explanations; by Dan Waddill; Salvo Magazine; 6 pages	174
8	Exhibit 16	Dan W. Waddill, P.E., Ph.D., Curriculum Vitae, 4 pages	178
10	Exhibit 17	Letter from B.P. Harrison, MPA, P.E., to Thomas Sinks, Ph.D., National Center for Environmental Health/Agency for Toxic Substances and Disease Registry; June 19, 2008; with attachment, Assessment of ATSDR Water Modeling for Tarawa Terrace;	220
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Historical Reconstruction and  
Present-Day Conditions, Response  
to the Department of the Navy's  
Letter on: Assessment of ATSDR  
Water Modeling for Tarawa  
Terrace; ATSDR, Atlanta,  
Georgia, March 2009; 64 pages

Exhibit 19 Memorandum: Subject: ATSDR 245

Camp Lejeune Water Modeling;  
CH00000038-44, Disco ID 448046-1  
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Exhibit 20 Analyses of Groundwater Flow, 251

Contaminant Fate and Transport,  
and Distribution of Drinking  
Water at Tarawa Terrace and  
Vicinity, U.S. Marine Corps Bas  
Camp Lejeune, North Carolina:

Historical Reconstruction and  
Present-Day Conditions, Response  
to the Department of the Navy's  
Letter on: Assessment of ATSDR  
Water Modeling for Tarawa  
Terrace; ATSDR, Atlanta,  
Georgia, March 2009; Contains  
Information Subject to

1                   Protective Order: Do Not  
2                   Disclose to Unauthorized  
3                   Persons; ATSDR\_WATERMODELING\_  
4                   01-0000887461-887524

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1                   Videotaped videoconference deposition  
2                   upon oral examination of DAN WADDILL, Ph.D., taken  
3                   on behalf of the Plaintiffs, before Bobbi J. Case,  
4                   a Registered Professional Reporter and Notary  
5                   Public for the Commonwealth of Virginia at Large,  
6                   pursuant to notice, commencing at 11:07 a.m. EST  
7                   on Tuesday, August 6, 2024, at the offices of  
8                   NAVFAC Atlantic, Office of Counsel, 6506 Hampton  
9                   Boulevard, Norfolk, Virginia; and this in  
10                  accordance with the Federal Rules of Civil  
11                  Procedure.

12

13                   THE VIDEOGRAPHER: This is the video  
14                  deposition of Dr. Dan Waddill in the matter of  
15                  Camp Lejeune Water Litigation, U.S. District  
16                  Court, Eastern District of North Carolina, Case  
17                  No. 7:23-cv-897.

18

19                   This is being held at 6506 Hampton

Boulevard, Norfolk, Virginia.

20

21                   The time is 11:07 a.m., August 6,

2024.

22

23                   My name is Gary Payne, Jr., on behalf

of Golkow.

24

25                   Will the counsel please introduce

themselves?

Golkow Technologies,

A Veritext Division

877-379-3377

Case 7:23-cv-00897-RJ

Document 397-15

Filed 06/04/25

Page 15 of 352

www.veritext.com

1                   MR. DEAN: Good morning. My name is  
2                   Kevin Dean. I'm here on behalf of Camp Lejeune  
3                   plaintiffs.

4                   MS. SILVERSTEIN: Kailey Silverstein  
5                   on behalf of the United States.

6                   MR. ANWAR: Haroon Anwar on behalf of  
7                   the United States.

8                   MS. BENTIVEGNA: Jennifer Bentivegna  
9                   on behalf of the Navy.

10                  THE VIDEOGRAPHER: We are now on the  
11                  record.

12                  Would you please swear in the  
13                  witness?

14  
15                  DAN WADDILL, Ph.D., was sworn and  
16                  deposed on behalf of the Plaintiffs as follows:  
17

18                  DIRECT EXAMINATION

19                  BY MR. DEAN:

20                  Q. All right. Good afternoon,  
21                  Dr. Waddill. My name is Kevin Dean. I hope  
22                  you're doing well this morning.

23                  A. Yes, sir. You, too.

24                  Q. A couple of preliminaries before we  
25                  get started, just to make sure you and I are on

1                   the same page.

2                   Have you ever had your deposition  
3                   taken before?

4                   A.     No.

5                   Q.     Okay. Well, I always tell everybody,  
6                   welcome to the club.

7                   Secondly, I need for you to let me  
8                   finish my question before you answer, because the  
9                   court reporter can't take both of us down at the  
10                  same time.

11                  A.     Understood.

12                  Q.     Okay. Also -- of course, I can be an  
13                  offender of that as well. So if we talk over one  
14                  another, the court reporter is going to get mad at  
15                  both of us.

16                  Also, I need you to answer orally.  
17                  Even though video takes down nods of the head, the  
18                  court reporter needs you to answer yes or no or,  
19                  you know, answer orally.

20                  If you need to take a break, tell me  
21                  you want to take a break. We can go off record  
22                  easily enough and come back if we need to.

23                  I'm going to try to go through -- I  
24                  don't know how you feel about lunch. I'm going to  
25                  try and go through and maybe be finished by 3:00,

1           but if you feel like you want to take, you know, a  
2           lunch break, 30 minutes or whatever, that's fine.

3           I know we're getting started late and  
4           I apologize, but it's sort of out of my control in  
5           Charleston, in the Low Country.

6           I usually try to break every hour or  
7           hour and 15 minutes, but if you, again, need a  
8           break, let me know.

9           If you don't understand one of my  
10          questions, stop me and tell me you don't  
11          understand my question. Sometimes I can ask two  
12          questions in one sentence and not even recognize  
13          it, and I just want to make sure you understand my  
14          questions. Okay?

15          A.    Okay. Sounds good.

16          Q.    All right. And you also understand  
17          you're under oath?

18          A.    Yes.

19          Q.    All right. So for the record, would  
20          you give us your full name?

21          A.    Dan Waddill.

22          Q.    Okay. And, Dr. Waddill, can you tell  
23          me a little bit about your -- and just summarize  
24          it, maybe beginning with college -- your  
25          educational background?

1                   A.     I graduated from Davidson College in  
2                   1983.

3                   I graduated from Virginia Tech in  
4                   1998 with a Ph.D. in civil engineering. My  
5                   emphasis was in the environmental field;  
6                   specifically, groundwater contaminant transport  
7                   modeling.

8                   Q.     Okay. And where are you currently  
9                   employed?

10                  A.     I'm employed by NAVFAC Atlantic.  
11                  That's the Naval Facilities Engineering Systems  
12                  Command. We say "NAVFAC."

13                  So it's NAVFAC Atlantic in Norfolk,  
14                  Virginia.

15                  Q.     All right. When did you go to work  
16                  for NAVFAC?

17                  A.     2000.

18                  Q.     So tell me what you did between 1998  
19                  and 2000 when you went to work with NAVFAC.

20                  A.     I was --

21                  '98 to 2000.

22                  I was working -- yeah, working  
23                  briefly out West in Colorado.

24                  Q.     How did it come about that you took a  
25                  position with NAVFAC?

1                   And I guess what I'm asking you is,  
2 did you see an ad somewhere? Did you know someone  
3 that worked at NAVFAC? Did you see -- apply  
4 online? Or how is it that you became aware that  
5 there might be an opening and made application to  
6 NAVFAC?

7                   A. My adviser at Virginia Tech had done  
8 work with NAVFAC, and he made me aware of the  
9 opening, and I applied for it.

10                  It was an online application.

11                  Q. Okay. Now, what is your current  
12 title or position?

13                  A. I'm a supervisor. My title is the  
14 Vieques and Munitions Response branch head.

15                  Q. What was the first word?

16                  A. Vieques. It's V-i-e-q-u-e-s. It's a  
17 small island in Puerto Rico.

18                  Q. Okay. And so that -- is that sort of  
19 like a specific project?

20                  A. Yes.

21                  We are cleaning up the former Navy  
22 bombing and training ranges on Vieques Island.

23                  Q. All right. And how long have you  
24 been in that role as the branch head?

25                  A. I believe, since 2011.

1                   Q. All right. And how does it work when  
2 you -- I guess what I'm trying to get you to  
3 explain to me is, I know that you had some  
4 involvement with Camp Lejeune at some sort of a  
5 timeframe, and what I'm trying to do right now is  
6 sort of bookend your involvement with these  
7 different projects, if that's appropriate, all the  
8 way back to 2000.

9                   So it sounds like to me that you  
10 maybe worked with a focus on a particular project  
11 for a particular timeframe, and then you may move  
12 to something else if you're asked to do so.

13                  Is that fair?

14                  MS. SILVERSTEIN: Object to form.

15                  You can go ahead and answer.

16                  THE DEPONENT: Yeah.

17                  I mean, I wouldn't say it the way you  
18 did, but, yeah, I have had different positions and  
19 a different focus over time with NAVFAC.

21                  BY MR. DEAN:

22                  Q. All right. So from 2011 to the  
23 present, your focus has primarily been the cleanup  
24 activity of this --

25                  Where was the island located?

1           A. It's in Puerto Rico. It's just  
2           southeast of the main island.

3           Q. All right. Now, did you also work on  
4           other projects in that same timeframe?

5           A. Yes.

6           My group does technical support for  
7           munitions response projects throughout the Navy.  
8           Vieques is our biggest project, but we support  
9           many munitions response projects.

10          Q. Well, can you give me an idea of what  
11         you would consider other munitions technical  
12         support projects that you may have been involved  
13         in from '11 to the present?

14          A. You know, everywhere from Hawaii to  
15         Virginia.

16          You know, the Navy has project  
17         managers that manage these projects, and when they  
18         need technical help, they generally come to my  
19         group.

20          Q. Let me ask you this about that  
21         technical help: Is it focused upon -- is it  
22         focused upon the -- when your group is called in,  
23         is it technical support related to water modeling  
24         issues, or is your focus a little bit broader than  
25         groundwater transport and water modeling?

1           A. The work that I do now does not focus  
2         on groundwater modeling. That was -- that was my  
3         focus prior to 2011.

4           Q. Okay. Okay. That's -- that's where  
5         I'm trying to make sure that I'm on the same page  
6         and understand your role.

7                   So when we're talking about technical  
8         support for munitions 2011 forward, which has been  
9         what you've been involved in, and your team, it's  
10       unrelated to water modeling and contamination  
11       issues?

12           A. In general, yes.

13                   Associated with munitions sites,  
14         there are also contaminants, but we have not done  
15         any kind of contaminant transport modeling for  
16         that. The big concern is the explosive hazard of  
17         the unexploded ordnance.

18           Q. Okay. All right.

19                   So what was the -- well, who is your  
20         current supervisor, or who do you answer to?

21           A. Byron Brant is my supervisor.

22           Q. B-r-y-a-n-t?

23           A. Well, his first name is B-y-r-o-n.

24         Last name is B-r-a-n-t, Brant.

25           Q. Okay. Do you know what his title is?

1           A. He is the Environmental Restoration  
2 division head for NAVFAC Atlantic.

3           Q. Okay. Now, let's go -- let's go back  
4 in time before 2011.

5                   Is there a project that you --

6                   What was your position prior to 2011,  
7 and what was the project or projects you were  
8 working on?

9                   MS. SILVERSTEIN: Object to form.

10                  THE DEPONENT: Well, I started with  
11 NAVFAC at Southern Division in Charleston, South  
12 Carolina, and I was a member of the technical  
13 support group, and we supported what the Navy  
14 called the Installation Restoration Program, and  
15 that involves the cleanup of chemical  
16 contaminants, and in that role I worked on a lot  
17 of projects.

18                  In 2006, I moved to NAVFAC Atlantic,  
19 and I continued in the same role working with, you  
20 know, the chemical contaminants, and I was the  
21 subject matter expert for groundwater modeling and  
22 contaminant transport modeling. So that's how I  
23 was called upon to support the Camp Lejeune work.  
24  
25

1 BY MR. DEAN:

2 Q. All right. So you were in Charleston  
3 from 2000 to 2006?

4 A. Correct.

5 Q. Okay. Well, then, you know what the  
6 Low Country is?

7 A. Yes, sir.

8 Q. Okay.

9 A. Stay dry.

10 Q. Downtown Charleston is flooded right  
11 now.

12 And then from 2006 through 2011, you  
13 had some involvement working as a subject matter  
14 expert dealing with some water modeling issues,  
15 and one of those projects was Camp Lejeune?

16 A. Correct.

17 Q. During the time 2006 to 2011, did you  
18 work on other groundwater modeling-related  
19 contamination chemical issues for other locations?

20 A. You know, I don't recall  
21 specifically.

22 I did work with Camp Lejeune  
23 groundwater modeling at NAS Jacksonville. That  
24 was probably when I was still at Southern  
25 Division, though.

1                   Oh. And I did -- actually, I did  
2 work with the modeling associated with Bethpage.

3                   Q. Beth --

4                   A. Bethpage in Long Island.

5                   Q. Okay. Was that some sort of a  
6 chemical spill restoration project?

7                   A. Yes.

8                   Q. All right. And so we've got three  
9 possible or three projects that you worked on from  
10 '06 to '11 that related to water modeling. Right?

11                  A. Jacksonville might have been prior to  
12 '06. I don't really recall.

13                  Q. Okay. What were you -- what was your  
14 involvement and how long did it last as it  
15 concerns the Jacksonville Naval Air Station?

16                  MS. SILVERSTEIN: Object to form.

17                  THE DEPONENT: I was -- I was not  
18 involved in developing the model, but I was  
19 involved with the project team that was, you know,  
20 cleaning up the base, and part of that work  
21 involved using that model for planning purposes.

22  
23                  BY MR. DEAN:

24                  Q. Who was involved in creating the  
25 model?

1           A. I do not remember.

2           Q. Okay. But you didn't have any  
3 involvement as it concerns the creation of the  
4 model, suggesting changes to it, or, actually, you  
5 know, running any predictions through it?

6           MS. SILVERSTEIN: Object to form.

7           THE DEPONENT: I did not.

8

9           BY MR. DEAN:

10          Q. How about Bethpage, Long Island?  
11 What was your involvement there, more specific?

12          A. I was asked by our Navy leadership to  
13 evaluate the groundwater contaminant transport  
14 model that had been developed for Bethpage.

15           The model predictions -- the  
16 measurements that we were getting in the field did  
17 not match the model predictions, and I was asked  
18 to evaluate the model and see if there were any  
19 problems with it.

20          Q. Okay. All right. We'll come back to  
21 that, because that's kind of what I want to talk  
22 to you about today.

23           And then -- you came to NAVFAC in  
24 2000. I understand Naval Air Station Jacksonville  
25 work was in the late '90s or the beginning of the

1 late '90s. Is that right?

2 A. I mean, I don't know.

3 If you're talking about the  
4 environmental restoration work, it probably  
5 started before then, but I -- I don't know  
6 specifically when it started.

7 Q. How many years would you say you were  
8 involved with Naval Air Station Jacksonville  
9 activities?

10 A. Maybe -- maybe two years, give or  
11 take.

12 I do not recall specifically.

13 (Whereupon, Waddill Deposition  
14 Exhibit 1, Plaintiff's Notice of Rule 30(b)(1)  
15 Individual Deposition, 7 pages, was marked for  
16 identification.)

17 (Whereupon, Waddill Deposition  
18 Exhibit 1 was displayed via screen share.)

19  
20 BY MR. DEAN:

21 Q. All right. Okay. So I've marked as  
22 Exhibit 1 to your deposition an individual  
23 deposition notice.

24 Have you seen this deposition notice  
25 or the amended one that might have changed the

1 date and time?

2 A. I don't -- based on what I can see, I  
3 don't believe I've seen it.

4 Q. Okay. Were you -- were you aware  
5 that request included a provision for you to  
6 search for and produce certain documents to the  
7 Department of Justice to produce to plaintiffs?

8 A. Yes.

9 Q. All right. So let's go through a  
10 couple of things.

11 MR. DEAN: I'm going to stop sharing  
12 on the actual document. I don't need that right  
13 now.

14 (Whereupon, Waddill Deposition  
15 Exhibit 1 was removed from screen share.)

16  
17 BY MR. DEAN:

18 Q. Between 2006 and 2011 -- I'm going to  
19 try to see if we can bookend this. If we can't,  
20 then tell me.

21 Between 2006 and 2011, you were  
22 working in Norfolk. Right?

23 A. Correct.

24 Q. And were you working at an office  
25 location or at home, remotely, or a little of

1 both?

2 A. I was working at an office location.

3 Q. All right. And did you have a  
4 specific office or a little cubicle or a little --  
5 or were you in an open area?

6 A. When I arrived in 2006, I had a  
7 cubicle.

8 I was promoted to be a supervisor in  
9 2007, I believe, and at that point I had an  
10 office.

11 Q. All right. And where was that office  
12 located?

13 A. It's at what we call the Lafayette  
14 River Annex. It's where NAVFAC Atlantic is  
15 located in Norfolk, Virginia.

16 Q. Is your office still there?

17 A. Yes.

18 Q. Do you still have the same office?

19 A. I have had -- I do not have the same  
20 office, no.

21 Q. Okay. Now, did you work from a  
22 desktop computer, or did you have a laptop that  
23 was connected to a network?

24 A. I worked from a desktop computer  
25 longer than most people, but I do have a laptop

1 now, and I do not recall when that transition  
2 occurred.

3 Q. Okay. And when you worked -- let's  
4 talk about the desktop.

5 Did you have -- when you would do  
6 work on projects and save them to a file, whether  
7 it was a hard drive, C drive, or whether it was a  
8 network drive, would you -- would the project name  
9 that you were working on be the name of the file  
10 as a part of the file?

11 A. I'm sorry. I don't understand the  
12 question.

13 Could you repeat it?

14 Q. Yes.

15 So, for example, I don't -- you know,  
16 the file structure or the file name may start out  
17 with a drive, like a T drive slash something and  
18 get down to a project name, Camp Lejeune, Naval  
19 Air Station Jacksonville, Bethpage, Long Island,  
20 hypothetically, and then under that there would be  
21 other folders. That's what I'm asking about.

22 Did you work within some framework of  
23 the directory structure of the computer where  
24 files were saved on it based on location of the  
25 project?

1                   A. Yes.

2                   I organize my files by -- you know,  
3                   for example, I had a Camp Lejeune folder, and then  
4                   within that, I would have subfolders, and all the  
5                   work that I did for Camp Lejeune would go under  
6                   that folder. And it was the same for all the  
7                   projects that I worked on.

8                   Q. All right. Now, you're familiar with  
9                   the Navy regulation and other laws that require  
10                  you, just like any other employee, to maintain and  
11                  save and archive certain documents. Right?

12                  A. Yes.

13                  Q. And that includes e-mails?

14                  A. Yes.

15                  Q. And did you have a folder of some  
16                  sort under some of those project files where you  
17                  would sort the different types of documents,  
18                  including e-mails?

19                  A. Yes.

20                  I mean, my e-mails were sorted in  
21                  Outlook, the same as, you know, with the other  
22                  files.

23                  I had a Camp Lejeune folder in  
24                  Outlook and everything went into it, with  
25                  subfolders, of course.

1           Q. All right. Now, you and I are  
2 probably -- we may be close to the same age --  
3 have transitioned from a work desktop to an iPad,  
4 and that's been difficult for me. But you, at  
5 some point in time, have transitioned to a laptop,  
6 and you don't remember exactly when.

7                         Is that right?

8           A. You're breaking up a little bit.

9                         I believe you asked if I remember  
10 when I transitioned to a laptop?

11           Q. Yes, sir.

12           A. That is correct. I do not remember  
13 when.

14           Q. All right. Have you, before today,  
15 looked at your laptop to ascertain on it whether  
16 there is a file folder named Camp Lejeune?

17           A. Yes.

18           Q. And is there a file on your laptop  
19 that says Camp Lejeune?

20           A. Yes.

21           Q. Okay. Now, that file that's on your  
22 computer laptop, has anyone asked you to copy the  
23 contents of that folder and provide it to them?

24           A. No one has asked me to copy the  
25 contents of that folder. I was asked to provide

1                   certain information.

2                   Initially, it was how big in terms  
3                   of, you know, megabytes was my Camp Lejeune  
4                   folder.

5                   Q.    Well, oddly enough, that was my next  
6                   question.

7                   Can you tell me the size of that  
8                   folder when you did go and look?

9                   A.    I cannot say now, because I don't  
10                  recall, but I did report that to the legal team  
11                  who was asking me those questions.

12                  I believe they were associated with  
13                  the Department of Justice.

14                  Q.    Okay. Do you remember whom you  
15                  communicated that concept to?

16                  A.    At that time, I was mostly talking  
17                  with Katie McCormick. She's in D.C., works for  
18                  the Navy litigation office, I believe.

19                  Q.    Okay. But you've not been asked to  
20                  copy that folder yet and provide it to any of the  
21                  DOJ attorneys?

22                  A.    No. I was not asked that.

23                  Q.    Do you by chance have an index that's  
24                  been pre-created that would tell us what's on your  
25                  C drive hard drive?

1           A. I do not have an index.

2           Q. Okay. And is it possible -- well,  
3 let me ask a different way.

4                         Could there be documents on that  
5 C drive hard drive that are possibly not on a  
6 share drive on your desktop?

7           A. You know, it depends on what you mean  
8 by a "share drive."

9                         I believe the answer is no, but --

10          Q. Okay.

11          A. -- people use the term "share drive"  
12 in different ways, so.

13          Q. Yeah.

14                         So let me ask it a little different  
15 so we're clear. I'm not trying to hide anything  
16 or stump you up.

17                         Is it possible that when you got the  
18 laptop, you copied your files from the hard  
19 drive -- from the computer you had previously been  
20 working on, the desktop, and you moved them over  
21 to your laptop so you would have your historical  
22 data and then you continued to save material there  
23 if they related to Camp Lejeune?

24          A. Yes.

25                         Everything has been copied over, and

1 so nothing has been lost.

2 Q. Okay. Great.

3 Now, let's move to a different  
4 subject, and that is hard copy of documents.

5 Are you aware that the plaintiffs  
6 made a request for copies of hard copy documents  
7 that you might have in some previous discovery  
8 requests?

9 A. Yes.

10 Q. Again, I'm still old-fashioned. I've  
11 got the old file cabinets in my office.

12 Did you have in your office a  
13 specific location, whether it was a notebook,  
14 whether it was a file cabinet, whether it was a  
15 drawer, where you kept materials related to Camp  
16 Lejeune, or boxes -- or boxes?

17 A. I kept all the Camp Lejeune hard  
18 copies in a file drawer.

19 Q. And what was the size of that drawer,  
20 as best you can describe it?

21 A. Well, you know, the hard copy was  
22 provided to you, I believe, so.

23 Q. Let me withdraw it and ask it a  
24 different way.

25 A. Okay. Sure.

1           Q.    Do you think, or is it your testimony  
2       under oath in this case, that that drawer that  
3       contained Camp Lejeune hard copy documents, that  
4       you scanned or had scanned all of those documents  
5       and sent to the Department of Justice?

6           A.    Yes, but let me explain what they  
7       asked for exactly.

8                   That drawer contained a number of  
9       reports that were produced by the ATSDR, and those  
10      are publicly available reports. And so I -- I was  
11      told not to provide those, because, you know, they  
12      weren't specific to me.

13                  But all of my files I provided to a  
14      paralegal who came and scanned them. And so that  
15      was 100 percent of my files. 100 percent of what  
16      I was asked to produce, I produced.

17                  Q.    Okay. Now, those other copies of a  
18      different -- I guess it was the different chapters  
19      of the ATSDR reports. Right?

20                  A.    I believe so, yes.

21                  I didn't really look back at them. I  
22      just know there was a stack of them.

23                  Q.    By chance, you didn't have tape flags  
24      on them, highlights in them, or notes in them?

25                  A.    I don't know, I mean.

1           Q. Is it possible that they could have  
2       had handwritten notes or highlights in those  
3       different chapters?

4           A. I just don't recall. I didn't look  
5       back at them. I didn't -- I didn't look at them.

6           Q. Okay. Fair enough.

7                   Now, who do you remember asking or  
8       getting you to be involved in Camp Lejeune and the  
9       approximate timeframe?

10          A. The approximate timeframe would have  
11       been early 2008.

12                   And, you know, I don't recall  
13       specifically who asked me, but it would have been  
14       somebody at NAVFAC headquarters in D.C.

15          Q. Do you know who a General Stallings  
16       may be?

17          A. You know, I do not recall, but...

18          Q. Or Keith -- Keith Stallings or Kevin  
19       Stallings? Does that ring a bell?

20          A. No, sir.

21          Q. Okay. What were you asked to do in  
22       2008 when you first took this assignment?

23          A. The ATSDR had put out part of their  
24       draft report on Tarawa Terrace, and I was asked to  
25       review that report and provide an evaluation of

1 it.

2 Q. Okay. And who asked you to do that?

3 A. As I said, I don't recall, but it --  
4 it would have been somebody at NAVFAC  
5 headquarters, I believe.

6 Q. All right.

7 A. I mean, the request could have come  
8 down through my supervisor.

9 Q. Who was your supervisor?

10 A. Byron Brant.

11 Q. Okay. Do you remember if the  
12 communication and the task assignment came to you  
13 by way of an e-mail, a written memo, or a  
14 telephone call, or an in-person meeting?

15 A. I do not recall.

16 It was probably an e-mail.

17 Q. Okay. Did you have a team working  
18 with you for the task that you were assigned, or  
19 was it just you?

20 A. It was just me.

21 Q. Okay.

22 A. But in completing that task, I did  
23 work with a number of other people, you know, from  
24 NAVFAC headquarters, and -- but, you know, I was  
25 the one evaluating the model.

Q. All right. And give me the names of  
some of those people that you remember.

3                   A.     Probably, Kim Parker Brown. She was  
4     at headquarters.

5 Brian Harrison at NAVFAC  
6 headquarters.

7                   There were probably others, but I  
8       don't remember.

With the department of the Assistant  
Secretary of the Navy, Richard Mach, M-a-c-h.

(Whereupon, Waddill Deposition  
Exhibit 2 Memo from Mary Ann Simmons to Scott R.  
Williams and Dan W. Waddill; Subject: E-mailing:  
CL Notification 12-04, CL Studies & Reviews 12-04,  
CL General Health & Exposure 12-04, CL Legal  
Issues FAQ 12-04, CL Water Contamination 12-04, CL  
water model FAQ 12-04; with attachments;  
December 5, 2008; Contains Information Subject to  
Protective Order: Do Not Disclose to Unauthorized  
Persons; CLJA\_NAVY\_WADDILL\_HC\_0000000263-318, was  
marked for identification.)

23 BY MR. DEAN:

24 Q. Okay. I'll show you what I'm going  
25 to introduce as Exhibit No. 2, and let me know if

1 you can see it in the box.

Sometimes you have to refresh, but I  
don't know -- we need to learn how to refresh that  
screen. I'm not exactly sure how to do it.

5 A. I have it on the iPad.

6 Q. Is that okay? Can you look at it and  
7 I'll ask you a couple of questions?

8 A. Sure.

9 Q. And if you need to take a look at it,  
10 feel free.

11 A. Okay.

Q. Some of these exhibits -- I'll tell you this, too, for the record, some of these exhibits, the way they were produced to me, they could be 50 pages, okay, for each document. I'm probably going to ask you about certain pages and certain information in them, but I want you to feel comfortable and free. If you want to take some time to look through the document, you just -- you just tell me. Okay? I'm not going to go through every page, is my point.

22 A. Okay. Well, I'm going to take a  
23 minute to read what's in front of me here.

24 | 0. That's fine.

25 | And this first one's pretty long, you

1 know. It's about a 50-page document, so.

2 A. I'm just looking at an e-mail. Is  
3 it --

4 Q. Well, if you turn to the next page --  
5 I mean, this document is about 50-plus pages long.

6 A. Okay.

7 Q. And that's what I was meaning to tell  
8 you.

9 There's only a few pages in the  
10 document that I'm going to be talking about. I  
11 want you to feel free to peruse the whole  
12 document, but if you do that, I'm just warning  
13 you, it's going to take us a long time to get  
14 through the depo.

15 I just wanted you to know, I'm not  
16 going to ask you about every single page.

17 A. Okay. Well, if you want to tell me  
18 where you want to start, I can --

19 Q. All right. Let's do that, and if you  
20 feel like you need to review something a little  
21 bit more after I ask a question about it, feel  
22 free to do so.

23 A. Okay.

24 Q. So on page 1, you recognize this as  
25 an e-mail that was printed off of your computer,

1 because your name is at the top, left corner.

2                   Do you see that?

3                   A.    Correct. Yes.

4                   Q.    And it's got the Bates stamp at the  
5 bottom of Waddill\_HC\_263.

6                   So that's one of the recently  
7 produced hard copies. Right?

8                   A.    I believe so, yes.

9                   Q.    All right. So who is Mary Ann  
10 Simmons, and what was her involvement with you and  
11 this project at Camp Lejeune?

12                  A.    Mary Ann Simmons worked for the Navy  
13 Environmental Health Center. So she was involved  
14 in that role.

15                  Q.    All right. Was she a supervisor?  
16 Was she a higher-level rank than you, the same, or  
17 were you all collaborating?

18                  A.    I don't know specifically.

19                  We -- our relationship was  
20 collaborative.

21                  Q.    All right. The second -- the next  
22 one -- well, let me ask you this:

23                  What was her primary -- what was your  
24 understanding of her involvement and contribution?

25                  A.    You know, she worked for the

1                   Environmental Health Center. So, you know, my  
2                   understanding is it had something to do with the  
3                   health and medical aspect of all of this, as  
4                   opposed to my role was with the water modeling.

5                   Q.     Okay. And then there's a gentleman  
6                   by the name -- the next one it says it's to --  
7                   your name is listed there, but it's also to Scott  
8                   Williams.

9                   A.     Yes.

10                  Q.     And who is Scott Williams?

11                  A.     Scott Williams worked for the Marine  
12                  Corps.

13                  He was -- you know, he was in  
14                  attendance with the meetings, you know. He -- he  
15                  was -- you know, I worked with him, you know, over  
16                  time with this.

17                  Q.     Okay. So do you know what his title  
18                  or position was with regard to this project at  
19                  Camp Lejeune?

20                  A.     I do not.

21                  Q.     He wasn't a water modeling expert?

22                  A.     No, he was not.

23                  Q.     Was he more of -- and I don't mean it  
24                  negatively, but was he more of a facilitator or  
25                  liaison type of person?

1           A. I don't believe that would be  
2 accurate.

3                   He was more, you know -- he was  
4 involved, you know, directly with things that went  
5 on at Camp Lejeune. You know, that was his  
6 location, and he was involved with the  
7 environmental issues there.

8           Q. Okay. Had you had any communications  
9 with him since 2011 when you left the Camp Lejeune  
10 project?

11          A. Well, I didn't say I left the Camp  
12 Lejeune project in 2011.

13                   My involvement was significant in  
14 2008 and '9 and probably '10. And then, you know,  
15 I had some involvement, you know, a while after  
16 that. I don't recall.

17          Q. Okay.

18          A. But then I didn't answer -- there was  
19 another part to your question that I don't recall.

20          Q. Well, my question was whether or not  
21 had you continued to communicate with Scott  
22 Williams in the past five years, hypothetically,  
23 relating to Camp Lejeune, either in person or by  
24 e-mail.

25          A. Not that I recall, no.

1                   Q.    Okay. And that reminds me, what did  
2 you do to prepare for your deposition?

3                   So let me explain what that question  
4 is exactly.

5                   I'm asking not what you discussed,  
6 but I'm asking whom you talked to about your  
7 deposition and documents related to it in the  
8 past, say -- well, let me strike that.

9                   When did you first -- did someone  
10 speak to you about what your historic knowledge  
11 and documents might be related to Camp Lejeune?  
12 Was it six months ago or a year ago, or do you  
13 remember?

14                  A.    I do not remember exactly.

15                  It feels like it might have been a  
16 couple of months ago when, you know, I first  
17 started getting questions about, you know, what  
18 do I -- what information do I have related to Camp  
19 Lejeune.

20                  Q.    Okay. And that probably came from  
21 Ms. McCormick?

22                  A.    As best as I remember, it did.

23                  Q.    Okay. And at some point in time, you  
24 found out that you might need to give a  
25 deposition?

1           A. Yes.

2           Q. And what I'm asking you is, is when  
3 did you first Zoom, have a telephone call, or meet  
4 in person with someone about your deposition?

5           A. Yeah.

6           I was informed probably more than a  
7 month ago there would be a deposition, and then  
8 Thursday, like a week and a half ago -- not last  
9 week, but the week before -- we had a Teams call  
10 that was referred to as a prep session for the  
11 deposition, and that was with legal staff here at  
12 NAVFAC Atlantic and the Department of Justice and  
13 I believe others in D.C.

14           Q. Was there anybody, other than lawyers  
15 or paralegals, on the call? For example, another  
16 witness?

17           A. There was not another witness.

18           And I did not know everybody on the  
19 call, but my understanding is, they were all legal  
20 staff.

21           Q. All right. So that's one Zoom  
22 meeting specifically about the deposition.

23           Do you remember how long it lasted?

24           A. Not specifically.

25           I think it was two hours, maybe.

1                   Q. Okay. And then had -- did you meet  
2 with anyone between that time and today?

3                   A. Yes.

4                   Yesterday we had in-person prep  
5 session here at NAVFAC Atlantic.

6                   Q. All right. And how long did that  
7 last? Half a day? Eight hours?

8                   A. That was a good half a day.

9                   We started at 10:00 and we went to, I  
10 think, roughly 3:00, with an hour out for lunch.

11                  Q. All right. Now, the second series of  
12 the questions along those lines.

13                  Were you presented with any documents  
14 to review?

15                  A. At the prep sessions?

16                  Q. Yes, sir.

17                  A. Yes. Yesterday, I was.

18                  Q. Okay. How many documents?

19                  A. I think it was just one.

20                  Q. And what was it?

21                  A. It was a letter from Brian Harrison  
22 to the ATSDR, summarizing the Navy's position on  
23 water modeling efforts.

24                  Q. All right. I think that's about a  
25 June 2009 document.

Does that sound about right?

2                   A.     It kind of doesn't, but I don't  
3 remember.

4 Q. All right. We'll -- I think I know  
5 what you're talking about, and we may go over it  
6 today.

7 Did you do any independent work to  
8 review any materials to refresh your recollection  
9 about certain things that maybe they didn't  
10 present to you, but you wanted to take a look at?  
11 Some other historic document?

12                   A. I did look through the hard copy  
13 files that were provided to you.

14 Q. Okay. Did you mark any with any  
15 notes, or did you take any notes related to your  
16 review of those documents?

17                   A. I did not, not since they went to  
18                   VO<sup>11</sup>

O. Okay, so let's go back to --

22                   A. They're going to help me out here.  
23 Just a second

24 Yes I have it

25 O. If you look at the first page of this

1 e-mail dated -- so it's dated December the 5th,  
2 2008.

3                   Do you see that?

4                   A. Yes.

5                   Q. How could we ascertain what timeframe  
6 in 2008 you started working on this project in  
7 relationship to this e-mail?

8                   So, for example, you told me sometime  
9 in 2008. The e-mail's dated December the 5th,  
10 2008. I'm wondering, you know, did you get  
11 involved at that time, or was it earlier in the  
12 year from which you have a recollection that it  
13 might have been in the summer?

14                  MS. SILVERSTEIN: Object to form.

15                  THE DEPONENT: Yeah. It was earlier  
16 than December, I believe, you know. And I don't  
17 recall these dates specifically, but I do believe  
18 we had a meeting with ATSDR prior to this e-mail.

19  
20 BY MR. DEAN:

21                  Q. Okay. I think you're probably right.

22                  Let me ask you, did you keep a  
23 calendar, an Outlook calendar for meetings and  
24 telephone calls and things like that?

25                  A. Yes. Yeah, somewhat. But I was -- I

1 mean, I was still -- am, old school.

2 I worked off of a paper calendar that  
3 I put in my pocket, but I probably had some of it  
4 in Outlook, too.

5 Q. Do you still have that paper-calendar  
6 notebook or the Outlook calendar, to the extent it  
7 had entries on it?

8 A. I don't know. I don't know.

9 I mean, I -- I have all of my  
10 e-mails, but I don't know how Outlook saves  
11 calendar entries.

12 Q. Okay. All right. So with respect to  
13 this specific e-mail, one of the questions that I  
14 had for you about it, it looks like Ms. Simmons is  
15 circulating to this group, and she has taken one  
16 of those documents that is attached and she has  
17 marked it up with some comments.

18 As a matter of fact, if you see right  
19 there at the bottom of the first paragraph, it  
20 says, "I made comments as I went through."

21 Do you see that?

22 The first paragraph, right under the  
23 description of attached documents.

24 A. Okay. I see it. Yep. I see it.

25 Q. All right. And then it says, "Scott,

1           your information was really easy to find. Nice  
2           job."

3                          Do you see that?

4           A.     Yes.

5           Q.     And then the next sentence says, "One  
6           thing that really struck me was the lack of  
7           anything at all on uncertainty."

8                          Do you see that?

9           A.     Yes.

10           Q.     I'm not a water modeling expert, but  
11           what are you -- do you know what she was meaning  
12           there?

13           A.     Well, you know, I don't know what she  
14           meant specifically, but I -- I understand the idea  
15           of uncertainty relating to water modeling. And  
16           certainly, at the outset, ATSDR was not addressing  
17           that issue adequately, in my opinion.

18           Q.     Okay. And what do you know -- what  
19           is your definition or understanding of the concept  
20           of uncertainty with water modeling issues?

21           A.     Well, with respect to, you know,  
22           groundwater contaminant transport modeling,  
23           uncertainty, in general, is just how -- it's  
24           recognizing that you don't know exactly how to  
25           estimate all of the inputs. That creates

1 uncertainty with the output.

2 They -- you know, you might get a  
3 number for the output, but that's not a sure  
4 number. There's an uncertainty associated with  
5 it.

6 Q. What was it that ATSDR, in your mind,  
7 was not doing appropriately to address the issue  
8 of uncertainty?

9                   A. Well, they just weren't acknowledging  
10                  that their output concentrations had, you know,  
11                  uncertainty associated with it, and that's --  
12                  that's something that would be typically done.

Q. How would -- if they had addressed it, what would it look like, is what I'm trying to understand from your perspective. You're saying they didn't address it in the context you thought they should. What would that have looked like?

18                   A. Well, it could be in the form of, you  
19                   know, error bars on a graph. It could be in the  
20                   form of, you know, plus or minus certain numbers,  
21                   you know. like --

I mean, there are many different ways  
to express uncertainty, but the idea is you need  
to analyze for it and communicate it clearly.

25 O. Okay. So if you turn to the next

1 page.

2 Let me get back to that page.

3 I guess it begins -- I got messed up.

4 Do you see on the next page there,  
5 there's some comments in the blue?

6 MS. SILVERSTEIN: Kevin, what Bates  
7 page are you on? I want to make sure that  
8 Dr. Waddill is on the right page.

9 MR. DEAN: Yeah. I knew you were  
10 going to ask me that, because I sort of dropped  
11 mine and it went everywhere. So I was trying to  
12 fudge. Let's see the page where we are.

13 THE DEPONENT: Maybe you could read  
14 us what's at the top?

15 MR. DEAN: Yeah. I've got mine back  
16 in order. We're good now.

17  
18 BY MR. DEAN:

19 Q. So it says, "Notification."

20 Bates stamp would be 265.

21 MS. SILVERSTEIN: Great. Thank you.

22 THE DEPONENT: Yes.

23  
24 BY MR. DEAN:

25 Q. Okay. I'm not exactly sure --

1                   Well, I guess if you look at the  
2 e-mail to start with, in the word -- little  
3 picture there, you can see there's a document that  
4 says "CL Notification," right above the paragraph  
5 we just looked at. Do you see that?

6                   A. So you're back on the first page?

7                   Q. I'm back on the first page.

8                   Do you see --

9                   A. Yeah. Attachments.

10                  "CL Notification," yes, I see it.

11                  Q. And there's one that says, "Studies,"  
12 one that says "General Health," one says "Legal  
13 Issues," one says "Water Contamination," and one  
14 says "Water Modeling"?

15                  A. Yes.

16                  Q. And for the record and for your  
17 benefit, I think all of those attachments are  
18 here, from what I can tell, as one document.

19                  Okay?

20                  A. Okay.

21                  Q. It looks like to me you printed out  
22 the e-mail and you printed out all of the  
23 attachments and put them together, but we'll go  
24 through it.

25                  A. Okay.

1           Q.    So on the first one on page 265, the  
2         Notification at the top, there's an area there in  
3         the center that says, "Comment" in parentheses,  
4         "wjs1."

5           A.    Okay.

6           Q.    Do you see that?

7           A.    I do.

8           Q.    Do you know, is that a comment you  
9         made or someone else? And if so, who is that  
10       comment attributable to?

11          A.    I mean, I don't think I made the  
12       comment.

13               You know, this is something I haven't  
14       looked at for, what, 16 years. So I just don't  
15       have any recollection.

16               I don't think I would have made the  
17       comment, because I wouldn't be wjs1, I don't  
18       think.

19          Q.    Well, I guess that's one of my  
20       questions.

21               Do you know who, of the people on  
22       this e-mail, would be referred to as wjs1 or what  
23       wjs1 stands for?

24          A.    I do not.

25          Q.    Okay. Turn to page 277. Bates stamp

1 277.

2 A. Okay. It's the first time I've used  
3 an iPad.

4 There we go. Okay.

5 Q. There is a comment to a paragraph  
6 under Question 7.

7 Do you see that?

8 A. I do.

9 Q. And the question at 7 says, "What can  
10 we do about adults and children who lived on base  
11 and were not conceived, period -- or born at Camp  
12 Lejeune, closed parentheses, with health effects?"

13 And then there's a paragraph under  
14 that, a response, that says that, "ATSDR, a United  
15 States Public Health Agency, established the scope  
16 of the survey. ATSDR states that its survey was  
17 the first major step to study the potential health  
18 effects of BOCs in drinking water on unborn  
19 children."

20 And then there's something there in  
21 parentheses, an M and a C.

22 Do you see that?

23 A. Yes.

24 Q. Do you know what that refers to?

25 A. No.

1           Q. And then there's a comment that says,  
2 "wjs9, Shouldn't we just say unless a connection  
3 between exposure and health outcome is  
4 established, nothing else can be done?"

5                          Do you see that?

6           A. Yes.

7           Q. Is that your comment?

8           A. I'm sure that is not my comment.

9           Q. And why is that?

10           A. Because this is not within my area of  
11 expertise, and I would -- I have never made any  
12 such comments.

13           Q. Okay. And -- but you recognize that  
14 comment as suggesting that unless there's an  
15 absolute way to make a connection between exposure  
16 and health outcome, there shouldn't be any study  
17 taking place to begin with. Right?

18           A. I do not believe that's a correct  
19 interpretation of the comment.

20           Q. Well, what is your interpretation?

21                          Because what it says, "Shouldn't we  
22 just say unless a connection between exposure and  
23 health outcome is established, nothing can be  
24 done?" What is nothing?

25           A. I don't know.

1                   That -- that comment is too vague for  
2 me to offer any kind of interpretation.

3                   Q. All right. Do you think that the  
4 families -- or was it one of the things that you  
5 all were doing was to evaluate exposure to these  
6 families, including these children?

7                   MS. SILVERSTEIN: Object to form.

8                   THE DEPONENT: Yeah. I don't think I  
9 understand the question.

10                  BY MR. DEAN:

11                  Q. Yeah.

12                  I understood that what the Navy and  
13 ATSDR were doing, including your review of the  
14 activities of ATSDR, was to study or understand if  
15 there was any connection between the contamination  
16 and the -- any health effects that the people that  
17 were exposed may have had.

18                  Is that fair?

19                  A. You know, the Navy and the Marine  
20 Corps wanted to support scientific studies, you  
21 know, to -- in support of the people -- the  
22 Marines and their families who lived there, you  
23 know. So that was definitely a goal of the Navy  
24 and Marine Corps.

1           Q.     The Navy wasn't trying to hide  
2         anything from the residents, the Marines, or their  
3         families or children, were they?

4           A.     No.    Absolutely not.

5           Q.     Okay.   Turn to page 297 now, if you  
6         don't mind.

7                   And just tell me when you get there,  
8         and we'll move forward.

9                   It begins "Legal Issues" at the top.

10          A.     Okay.   I'm there.

11          Q.     Question No. 1 says, "Is any legal  
12         action pending against the Marine Corps?"

13                   And the answer was, "One lawsuit  
14         related to Camp Lejeune's past drinking quality  
15         was filed against the United States."

16                   Do you see that?

17          A.     I do.

18          Q.     Were you involved in any of the legal  
19         aspects of those early cases that were filed  
20         between 2008 and 2010?

21          A.     I was not.

22          Q.     There's a comment out in the side  
23         there that says, "Does this need updated?"

24                   Do you see that?

25          A.     I do.

1 Q. Do you know what was meant by that?

2 A. No. Nothing specific.

3 I mean, it's just asking does the  
4 response need to be updated, I believe.

5 Q. Do you see Question No. 3? At the  
6 bottom there it says --

7 And I'll let you get there.

8 Do you see No. 3 at the bottom?

9 A. "I think my medical condition," that  
10 one?

11 Q. Yes, sir.

12 A. I see it, yes.

13 Q. Can you read it into the record?  
14 No. 3?

15 A. "I think my medical condition/disease  
16 is related to the water at Lejeune. What should I  
17 do?"

18 Q. And turn to the next page and read  
19 the response that is shown on page 299 at the top.

20 A. "You may want to talk with an  
21 attorney to decide what to do next."

22 Q. And can you tell me what the comment  
23 was that says "wjs3"?

24 A. Yes.

25 Q. And what is it?

1           A.     "This is not appropriate."

2           Q.     So somebody that's reviewing, editing  
3     this document, thought that it was not appropriate  
4     to have someone who thinks they may have had some  
5     exposure to talk to an attorney. Is that right?

6           MS. SILVERSTEIN: Object to form.

7           THE DEPONENT: Yeah.

8           I don't know what the commenter was  
9     thinking.

10           BY MR. DEAN:

11           Q.     So that's not your quote?

12           A.     Absolutely not my quote.

13           Q.     And do you remember anything about  
14     that?

15           I know it's been a long time. Do you  
16     remember anything about that? Who may have made  
17     that insertion?

18           MS. SILVERSTEIN: Object to form.

19           THE DEPONENT: I mean, I do not.

20           I just know that everybody on the  
21     team that I was working with was focused on  
22     health. So if someone thought -- that lived at  
23     Lejeune thought they had a medical condition, we  
24     were focused on getting them the healthcare that

1       they needed or addressing that condition of -- you  
2       know, evaluating their health, not of a legal  
3       action. That just wasn't the focus of the people  
4       that I was working with.

5

6       BY MR. DEAN:

7           Q.    Okay. Do you have a belief that in  
8       science, in general, especially when you're  
9       dealing with science-related health effects, that  
10      scientists who study a particular issue or conduct  
11      a long-term study can be biased because they want  
12      to see a positive outcome?

13          A.    Well, I believe that in science, it's  
14      -- it's very important to eliminate bias as much  
15      as possible, and the scientific method is designed  
16      to do that. And I believe that it's important to  
17      follow scientific methods to prevent bias from  
18      creeping in.

19          Q.    But you don't have a particular  
20      opinion or view that these long-term related  
21      health studies have a natural concept of bias  
22      built into them where scientists want to hype --  
23      h-y-p-e -- hype the risk so that their outcome is  
24      one that is supportive of the work they're doing?

25          MS. SILVERSTEIN: Object to form.

1                   THE DEPONENT: Yeah.

2                   I don't have any -- I don't hold any  
3 ideas like that. I just know that, you know, if  
4 they're working in a scientific manner, then, you  
5 know, bias will be eliminated, and I think that's  
6 appropriate.

7                   I mean -- and that bias, if it exists  
8 at all, will be eliminated.

9                   MR. DEAN: Let me know when you get  
10 Exhibit 3 in your folder there. I want to take a  
11 look at it.

12                   (Whereupon, Waddill Deposition  
13 Exhibit 3, Epimonitor, Special Issue, An Interview  
14 with Geoffrey Kabat, Epidemiologist at the Albert  
15 Einstein College of Medicine and Author of "Hyping  
16 Health Risks--Environmental Hazards in Daily Life  
17 and the Science of Epidemiology"; Contains  
18 Information Subject to Protective Order: Do Not  
19 Disclose to Unauthorized Persons;  
20 CLJA\_NAVY\_WADDILL\_HC\_0000000545-562, was marked  
21 for identification.)

22                   THE DEPONENT: Okay. I have it.

23  
24 BY MR. DEAN:

25 Q. All right. This is a -- this is an

1 interview with a Dr. Kabat, K-a-b-a-t.

2 A. Uh-huh.

3 Q. Sir?

4 A. Yes.

5 Q. And it's Bates-stamped Waddill hard  
6 copy 545.

7 A. Right.

8 Q. If you turn to page 547.

9 MR. DEAN: And, Kailey and Haroon, I  
10 want to bring to you-all's attention something  
11 that I've noticed.

12 Page 546 is a blank page. Do you see  
13 that?

14 MS. SILVERSTEIN: Yeah. I see that.

15 MR. DEAN: Can we agree that every  
16 time Sarah advocates that you all produce  
17 16 million pages of documents, she Bates-stamps  
18 every other page so she can increase her count,  
19 which in reality, is only 8 million pages?

20 MS. SILVERSTEIN: I don't think we  
21 agree with that, Kevin.

22 I agree there's a blank page here,  
23 but I don't think I agree with that for all of the  
24 documents.

25 MR. DEAN: All right. Well,

1 sometimes a little humor helps.

2 MS. SILVERSTEIN: All right. Point  
3 taken.

4

5 BY MR. DEAN:

6 Q. So on page 547, Dr. Waddill, do you  
7 see some handwritten marks on the document?

8 A. Yes.

9 Q. Are those yours?

10 A. I believe they are.

11 Q. What was the purpose of your pulling  
12 up this article and saving it to this file for  
13 this Camp Lejeune litigation, in general?

14 A. I don't recall.

15 I mean, I don't recall the --  
16 receiving the article or reading it. But, you  
17 know, it's -- it expresses the author's views on  
18 epidemiology, which is, you know, a subject that I  
19 really don't know anything about.

20 Q. Well, this came out, evidently, in a  
21 periodical called The Epidemiology Monitor in  
22 November 2009.

23 Do you see that?

24 A. I see that.

25 Q. Do you -- do you prescribe or have a

1 subscription to this magazine?

2 A. No.

3 Q. Do you know how you came to acquire  
4 this article?

5 A. No.

6 Q. Did you ask someone to send it --  
7 somebody to send it to you, or did you look it up  
8 on the Internet?

9 A. I just don't recall.

10 Q. Do you agree with the statements that  
11 are made in it that you underlined?

12 A. Like I say, I don't -- you know,  
13 epidemiology is not my field, and -- so I would --  
14 I would -- I cannot say that I agree with any of  
15 this. I was just underlining the portions that  
16 seemed interesting to me.

17 Q. Did you use it, this article or any  
18 of its suggestions on how to proceed with work  
19 that you were doing with others on this Camp  
20 Lejeune ATSDR review water modeling aspect?

21 A. I don't believe I did.

22 You know, this is dealing with  
23 epidemiology, and my piece of the project was the  
24 groundwater and water distribution modeling, not  
25 epidemiology.

1 Q. So can you turn to page 553?

2 I believe it says, "Kabat interview  
3 continued from page 4." So it would be page 5.

4 Do you see that?

5 A. Yes.

6 Q. Do you see in the top, right-hand  
7 corner you've underlined a response by Dr. Kabat  
8 that reads as follows: "Another step would be to  
9 be more careful in vetting the makeup of members  
10 of committees to evaluate a hazard to exclude  
11 those with a strong professional or an ideological  
12 investment in a given issue."

13 Do you see that?

14 A. I do.

15 Q. And you've written out beside that,  
16 "Camp Lejeune."

17 Do you see that?

18 A. I do.

19 Q. Do you know why you wrote Camp  
20 Lejeune out beside that and why you underlined it?

21 A. I don't recall. This is 15 years  
22 ago.

23 Q. Well, as far as the committees that  
24 evaluated -- you know, any formal committees that  
25 evaluated the ATSDR studies, the only one -- well,

1       there might have been some other panels, but the  
2       primary one was the one by the National Academy of  
3       Science, also referred to as the NRC 2009 report.  
4       Right?

5             A.    Well, the NRC did do a report in  
6       2009.

7             Q.    Do you -- do you agree with that  
8       statement by Dr. Kabat there that I just read to  
9       you?

10          A.    You know, I don't see how that could  
11       be done. So I really don't agree with it.

12                 And again, this is -- you know, this  
13       is not my area, epidemiology.

14                 I ultimately did see at least one of  
15       their epidemiological reports, but my evaluations  
16       were focused on the -- the water modeling.

17          Q.    Well, I understand that.

18                 But in the NRC 2009 report --

19                 You read it. Right?

20          A.    Yes, sir.

21          Q.    And you know it contains a section or  
22       some discussion about water modeling aspects.  
23       Right?

24          A.    Yes.

25          Q.    And you know that, I guess, summary,

1           big picture of what NRC was -- report findings  
2           were, that because there was a lack of data at  
3           Tarawa Terrace, there was inability to have  
4           accurate predicted monthly concentrations?

5                          Do you remember that?

6           A.    I do.

7           Q.    And I believe that the only water  
8           modeling expert on that panel was Dr. Prabhakar  
9           Clement.

10                         Do you remember him?

11           A.    I do remember the name. I do not  
12           remember --

13                         You're talking about the panel --

14                         Are you talking about the NRC members  
15           or a different panel?

16           Q.    Yes.

17           A.    Okay.

18           Q.    The NRC panel 2009 report, there was  
19           a gentleman by the name Dr. Prabhakar Clement, I  
20           believe at the time from Auburn University?

21           A.    I do recall his name, yes.

22           Q.    Did you ever communicate with him,  
23           either before or after issuance of the NRC report?

24           A.    Not that I recall.

25           Q.    Do you know a lady by the name of

1 Susan Martel at NRC?

2 A. I do not recall that name.

3 Q. Do you remember having any  
4 communications with her, either before or after  
5 the committee was formed or the report issued?

6 A. No. I do not remember any  
7 communications like that.

8 Q. Okay.

9 A. I mean, I will say that, you know,  
10 the National Research Council pulls from the  
11 National Academies of Science and Engineering and,  
12 you know -- you know, that's like the all-star  
13 team for scientists and engineers, and nobody on  
14 that panel, in my opinion, would have had any kind  
15 of bias or ideological investment. I mean, if  
16 they did, they just wouldn't be in that position.

17 Q. Why do you say that?

18 A. Because, you know, they've  
19 demonstrated that they -- they do science the  
20 right way, and they -- you know, based on their  
21 achievements as scientists, you know, that track  
22 record speaks for itself. And I just...

23 Q. Well -- I'm sorry.

24 A. You're breaking up.

25 Q. Let me know when you've finished.

1 A. Oh, I'm done.

2 You're breaking up a little bit.

3 Q. What I was trying --

4 Go ahead.

5 A. I was just saying, you're breaking up  
6 a little bit.

7 Q. Okay. So given what you just said,  
8 you know, the high quality of the participants of  
9 the National Academy of Sciences, when one of  
10 these groups is put together, you would assume  
11 that there's a certain level of vetting to make  
12 sure you weed out people who have a predetermined  
13 bias.

14 Would you agree with that?

15 A. No.

16 I'm just saying that, you know, the  
17 National Academy of Science and the National  
18 Academy of Engineering, those are -- you know,  
19 people are -- become a part of those groups after  
20 very significant achievement.

21 Q. I understand, but I'm asking about if  
22 you're going to have an impartial committee, an  
23 impartial review, do you want somebody serving on  
24 that that has subject matter bias, or not?

25 A. Well, I mean, I think that question

1                   answers itself.

2                   I mean, I've said that, you know,  
3                   bias is not appropriate in science.

4                   Q.     And, therefore, you agree with me  
5                   that if you're going to establish an independent  
6                   committee to do a review like this, you would want  
7                   to have a certain level of vetting. Right?

8                   MS. SILVERSTEIN: Object to form.

9                   THE DEPONENT: Yeah. I mean, I'm not  
10                  agreeing with that.

11                  You know, I wasn't involved with the  
12                  NRC report. I just know that it's the mission of  
13                  the NRC to, you know, evaluate scientific issues  
14                  and provide independent reports to policymakers  
15                  and to the public, and that's -- that's their  
16                  role.

17

18                  BY MR. DEAN:

19                  Q.     And you used the word "independent."  
20                  Who do you think participated in  
21                  choosing the members of the committee?

22                  A.     I do not know.

23                  You're talking about the committee of  
24                  NRC people who reviewed --

25                  Q.     Yes.

1           A. I don't know how they were chosen.

2           Q. Well, you know that the Navy  
3 contracted with the NRC for the study. Right?

4           A. That is my understanding, yes.

5           Q. And do you think it's okay for the  
6 Navy to participate in choosing who is going to be  
7 on the committee, or not?

8           A. Well, the Navy -- my understanding is  
9 the Navy funded the project, but I don't know who  
10 was involved in choosing the members of the  
11 committee.

12          Q. Well, if it's going to be an  
13 independent study and you wanted a nonbiased  
14 report issued, you would assume that the person  
15 asking for the study is not participating in who  
16 is on the committee. Right?

17          A. I mean, I don't -- I don't know how  
18 to answer that.

19           I don't make any assumptions about  
20 that kind of thing. I just -- I just wasn't  
21 involved in that.

22          Q. Okay. But you do agree it would need  
23 to be an independent panel?

24          A. Well, the -- what I said was, you  
25 know, the purpose of the NRC -- and I believe you

1 can find this on their -- on the website, is to  
2 provide independent reviews of scientific issues  
3 in order to support policy and the public.

4 So that's -- you know, that's their  
5 mission. That's why they're there.

6 You know, how they get there, you  
7 know, I don't know. They pull people from the  
8 National Academy of Science and Engineering, and  
9 those are highly respected scientists.

10 Q. Okay. Let's move on to something  
11 else.

12 Do you know who Dr. --

13 MS. SILVERSTEIN: Hey, Kevin? Before  
14 we get into the next line of questioning, we've  
15 been going for about an hour and a half. Can we  
16 take a break soon?

17 MR. DEAN: I'm perfectly fine with  
18 taking a break now. I get on a roll, having fun.  
19 So let's take a break.

20 MS. SILVERSTEIN: Great. Thanks.

21 THE VIDEOGRAPHER: We're going off  
22 the record at 12:33 p.m.

23 (Whereupon, a recess was taken from  
24 12:33 p.m. to 12:45 p.m. EST.)

25 (Whereupon, Waddill Deposition

1           Exhibit 4, Memo from Dan W. Waddill to Scott R.  
2           Williams and Kim P. Brown; Subject: RE: Agenda  
3           for July 15 DHWG meeting; July 8, 2010; Signed by  
4           dan.waddill@navy.mil; with attachment; Contains  
5           Information Subject to Protective Order: Do Not  
6           Disclose to Unauthorized Persons;  
7           CLJA\_NAVY\_WADDILL\_HC\_000000975-1011, was marked  
8           for identification.)  
9

10          BY MR. DEAN:

11           Q. And let's go take a look at the  
12           exhibit folder and let's go to Exhibit No. 4.

13           A. Okay. I'm there.

14           THE VIDEOGRAPHER: Doctor, could you  
15           clip your mic back on?

16           THE DEPONENT: Oh, yeah. Sorry.  
17           Okay.

18  
19          BY MR. DEAN:

20           Q. Are you ready?

21           A. Yes.

22           Q. This is Exhibit 4 to your deposition,  
23           and it begins with a Waddill hard copy Bates stamp  
24           975. And mine, the way it was produced, goes  
25           through page 1011.

1                   Do you recognize this as an e-mail  
2         you printed off that you also authored and sent to  
3         Scott Williams and others on July 8, 2010?

4                   A.     Yes.

5                   Q.     And on -- you said -- in the first  
6         paragraph or so, you say, "Hi, Scott. I hope  
7         these comments may be helpful. Please let me know  
8         if you have questions or would like more detail.  
9                   Dan."

10                  And then can you read what you said  
11         about Slide 56?

12                  A.     "Slide 56 is vague. It summarizes  
13         some issues from the NRC report, but it does not  
14         begin to capture all the issues or the magnitude  
15         of the issues."

16                  Q.     So the draft comments that are  
17         referred to there that are attached, it has a file  
18         name of Draft Comments -- Draft\_Comments\_2.

19                  Do you see that?

20                  A.     I do.

21                  Q.     And do you see that it's -- you were  
22         specifically talking about Slides 56 and 57.

23                  Do you see that?

24                  A.     I do.

25                  Q.     I will give you an opportunity to

1 look through this attachment --

2 A. Okay.

3 Q. -- but I do not see the referenced  
4 attachment and your Draft\_Comments\_2.

5 I have searched through all the  
6 documents produced by the government, for the  
7 record, and if you type in a search term for that  
8 attachment, it does not show up having been  
9 produced.

10 And if you turn to your comments  
11 section on the next two pages, you'll notice  
12 there's only comments for Slides 5, 6, 12 through  
13 18, and 20 through 38, and I just don't see any  
14 comments on the slides that you're commenting  
15 about. So if I'm wrong, correct me.

16 Looking through this document, I'm  
17 just having trouble finding the attachment or  
18 references to those slides.

19 A. Yeah.

20 I'm looking through.

21 Well, I'm not sure how far I should  
22 look down, but I don't see anything about  
23 Slides 56 and 57.

24 Q. So evidently -- okay.

25 Go ahead.

1           A. Other than in the e-mail on the first  
2 page.

3           Q. You seem to be commenting about a  
4 PowerPoint presentation.

5                   So if you -- if you look further down  
6 the e-mail, you'll see where Scott Williams sent  
7 it to you at 4:20 the day before.

8                   Do you see that?

9           A. Oh, yes. Yes, I do.

10          Q. And Williams says to you, "Dan, Can  
11 you please take a look at Slides 56 and 57 and let  
12 me know what you think?"

13          A. Yes.

14          Q. Do you know where -- is it possible  
15 that the Draft\_Comments\_2.PDF that's referenced  
16 here is on your laptop computer historical archive  
17 file?

18          A. It's possible, yes.

19          Q. Is it possible that those Slides 56  
20 and 57 that were forwarded to you on July 7, 2010,  
21 at 4:20 p.m. are on your laptop computer?

22          A. Yes. Possible.

23          Q. Do you know why -- do you know who  
24 created --

25                   Did Scott Williams create this

1           PowerPoint, or do you remember?

2           A.     I do not remember.

3                         I mean, he asked me to review  
4                         Slides 56 and 57, but that doesn't mean he created  
5                         it. He might have, but it could have been someone  
6                         else.

7           Q.     If you look further down, in all  
8                         fairness, it's been forwarded to Williams by  
9                         Kelley B. Brix.

10           A.     Yes.

11           Q.     Who is Kelley.Brix@tma.osd?

12           A.     I don't know.

13                         The OSD would refer to Office of the  
14                         Secretary of Defense, I believe.

15           Q.     Is it possible that you also have the  
16                         complete e-mail trail? Because this one seems  
17                         like you cut -- like you printed off just your  
18                         first page that had your comments, and then you  
19                         had made some attachments that you put together.

20                         Do you think you might have the  
21                         complete e-mail that had been forwarded to you?

22           A.     Yeah. It's certainly possible.

23                         I mean, I didn't -- I didn't make any  
24                         kind of attempt to print everything out, so.

25           Q.     I understand.

1                   Just a second.

2                   If you turn to page 993,

3                   Bates-stamped 993?

4                   A.     993.

5                   Q.     Actually, let's back up a little bit  
6 before that.

7                   Go to 8- -- 987.

8                   A.     987.

9                   Okay.

10                  Q.     Do you know who Professor Mustafa  
11 Aral is?

12                  A.     Yeah.

13                  I know a little bit about him. I  
14 know he wrote -- he wrote something about the NRC  
15 report.

16                  Q.     Obviously, this is a document that  
17 has -- it's dated June the 30th, and it says,  
18 "Response to Comments with NRC Report on ATSDR  
19 Water Modeling Study."

20                  Do you see that?

21                  A.     I do.

22                  Q.     So obviously, this is a memo prepared  
23 by Dr. Aral that was sent to Morris Maslia at  
24 ATSDR, and it became -- you somehow got a copy of  
25 it as a part of your work and reviewed this

1           document. Right?

2           A. Yes.

3           Q. And if you turn -- if you turn to  
4 page 5 of it. So it's page 991.

5           A. Okay.

6           Q. Down at the bottom, there's a big  
7 paragraph that begins, "Thus."

8           A. Yes.

9           Q. And about three-fourths of the way  
10 down, you've highlighted, "Also reporting the  
11 solubility of PCN water at about half the value of  
12 the data reported in ATSDR Chapter D report,  
13 (Lawrence 2007) without providing a reference  
14 (page 38 of the NRC report) is a scientifically  
15 unacceptable practice."

16           Do you see that?

17           A. I do.

18           Q. And you have made a mark there, sort  
19 of vertically, capturing what that section -- you  
20 know, that section area.

21           Do you see that?

22           A. I do.

23           Q. Why is it that you highlighted and  
24 made that mark?

25           A. I do not remember.

1           Q.     Do you agree or disagree with his  
2 statement?

3           A.     Well, you know, I don't have enough  
4 context here to really disagree with it. But I --  
5 you know, I know the NRC basically responded that  
6 they stand behind their report, so. I think they  
7 would have disagreed with this.

8           Q.     If you turn to page 993. So a couple  
9 more pages. 993.

10          A.     Yes.

11          Q.     At the bottom --

12                 Well, earlier, in the top paragraph  
13 you've highlighted a section about TechFLOW.

14                 Do you see that?

15          A.     Yes.

16          Q.     And then at the bottom of the last  
17 paragraph at the bottom, you've highlighted a  
18 paragraph and you've underlined it. It says,  
19 "Misrepresentation of the scientific and public  
20 domain facts is extremely burdensome and, in my  
21 opinion, sheds a dark cloud over the scientific  
22 credibility and integrity of the NRC report."

23                 Do you see that?

24          A.     I do.

25          Q.     And then you made a mark, same as you

1           made before, and you wrote in your own  
2           handwriting, "Dark cloud."

3           A.     Yes.

4           Q.     Do you know why you wrote the words,  
5           "Dark cloud"?

6           A.     I do not recall.

7           Q.     Were you agreeing at the time with  
8           his statement, or not?

9           A.     I was not agreeing, no.

10          Q.     So you disagree with this statement?

11          A.     Let me get the context here. Give me  
12          a minute.

13          Q.     Sure.

14          A.     Well, I certainly believe that the  
15          NRC report had scientific credibility and  
16          integrity.

17                   So in that sense, I disagree with  
18           this statement.

19          Q.     And the reason that you feel like  
20          that the NRC committee that we're talking about  
21          had scientific validity and credibility, I think  
22          is your words -- if it's not, I apologize -- the  
23          reason you say that is because your general  
24          understanding that this is a world-renowned,  
25          independent, nongovernmental entity that's

1 comprised of these world-renowned scientists who  
2 are all impartial. Right?

3 MS. SILVERSTEIN: Object to form.

4 THE DEPONENT: Yeah. I would not say  
5 that.

6 I was using the words "credibility"  
7 and "integrity" because that's what Dr. Aral --  
8 those are the words that he used.

9 The reason I believe that their  
10 report has credibility and integrity is because  
11 of, you know, what they said about the water  
12 modeling in the report. It just -- it matched  
13 with the scientific approach that's required in  
14 that field.

15 So, you know, they -- they  
16 demonstrated, not only through their credentials,  
17 but also in what they wrote in their report, that  
18 it has integrity and credibility.

19  
20 BY MR. DEAN:

21 Q. And you -- as of today, you don't  
22 have any reason to believe that there's anything  
23 in that 2009 report that is -- that you disagree  
24 with? You agree with the report and its  
25 conclusions?

1           A. You're talking about the 2009 NRC  
2 report. Right?

3           Q. Yes, sir.

4           A. Yeah.

5                 You know it covered a lot of topics,  
6 and I only looked closely at the water modeling  
7 sections. I did glance through some of the other  
8 sections.

9                 But, you know, I would say, in  
10 general, I thought the report was well written and  
11 accurate.

12           Q. Okay. Do you know whether or not the  
13 Marine Corps, including its civilian employees  
14 working under NAVFAC, provided an appropriate  
15 level of documentation in a timely fashion to the  
16 ATSDR to do their work?

17                 MS. SILVERSTEIN: Object to form.

18                 THE DEPONENT: Well, I do know from  
19 sitting at meetings that the Marine Corps provided  
20 voluminous amounts of information to ATSDR, and  
21 they went to great effort to provide everything  
22 that ATSDR asked for.

23  
24                 BY MR. DEAN:

25                 Q. Do you know whether or not the Marine

1           Corps or NAVFAC or its other associated people  
2           involved withheld any data from ATSDR?

3                         MS. SILVERSTEIN: Object to form.

4                         THE DEPONENT: I mean, I'm sure  
5                         nobody withheld anything.

6                         That's just -- it's just not  
7                         something that anybody I work with -- we actually  
8                         do the opposite. We want to make everything  
9                         available and go to great effort to do that.

10  
11                         BY MR. DEAN:

12                         Q. Were you ever concerned that there  
13                         was -- with data being withheld or that ATSDR was  
14                         going to accuse the Navy of withholding data?

15                         MS. SILVERSTEIN: Object to form.

16  
17                         BY MR. DEAN:

18                         Q. Were you worried about that?

19                         MS. SILVERSTEIN: Object to form.

20                         THE DEPONENT: I think there's a  
21                         couple of questions in there.

22                         I was never concerned that the Navy  
23                         or Marine Corps was withholding data. I know  
24                         that's -- that's just not the case. As I've said,  
25                         it is the exact opposite. People were going to

1           great effort to get ATSDR everything they wanted.

2           But I was aware that ATSDR --

3           Pardon me?

4           I was aware that ATSDR --

5

6           BY MR. DEAN:

7           Q.     Were you were worried that ATSDR --

8           A.     Kevin, you're breaking up.

9           MR. ANWAR:    Kevin, since you're not  
10           on --

11           And we can go off the record for a  
12           second.

13           THE VIDEOGRAPHER:   Going off the  
14           record at 1:02 p.m.

15           (Whereupon, a recess was taken from  
16           1:02 p.m. to 1:03 p.m. EST.)

17

18           THE VIDEOGRAPHER:   Back on the record  
19           at 1:03 p.m.

20

21           BY MR. DEAN:

22           Q.     Let me ask the question again, and I  
23           apologize, Mr. Waddill, because I didn't hear your  
24           response.

25           My question was:   Were you concerned

1           that ATSDR was going to claim or allege that the  
2           Marines had withheld data?

3           A.    Well, I mean, I did observe them in  
4           meetings or complaining or saying that they didn't  
5           have all of the data that they needed, and, you  
6           know, the Marine Corps personnel took that to  
7           heart. And so, you know, it did concern me.

8           But I don't -- I don't believe they  
9           ever -- I don't believe they ever implied that  
10          anyone was withholding information. It's just  
11          that there's so much of it, they didn't have  
12          everything that they wanted.

13          And, you know, that's -- that's a  
14          concern, because that can be -- that kind of thing  
15          can be misunderstood.

16           (Whereupon, Waddill Deposition  
17          Exhibit 5, Camp Lejeune Data Mining Technical  
18          Workgroup Plan of Operation, July XX, 2010, Draft,  
19          July 9, 2010, "Do Not Cite or Quote"; Contains  
20          Information Subject to Protective Order: Do Not  
21          Disclose to Unauthorized Persons;  
22          CLJA\_NAVY\_WADDILL\_HC\_0000000421-454, was marked  
23          for identification.)

1 BY MR. DEAN:

2 Q. So take a look at Exhibit 5. I just  
3 put it in your folder.

4 For the record, this is a collection  
5 of documents beginning Waddill hard copy 421  
6 through 454.

7 A. Okay.

8 Q. Got it?

9 A. Yes.

10 Q. The only page I'm interested in in  
11 this collection of documents is page 441.

12 A. 441. Okay.

13 Q. I want to make sure I can understand  
14 your handwriting, for the most part. Okay?

15 A. Okay.

16 Q. This is your handwriting on this  
17 page. Right?

18 A. Yes.

19 Q. All right. And according to the  
20 document for which it's attached to, the  
21 document --

22 If you need to flip back to page 1,  
23 feel free to, but it says a draft dated July  
24 the 9th, 2010.

25 A. Okay. Sorry. Say that again?

1 Q. Actually, at the top of the page --

2 A. Okay.

3 Q. -- on 441, doesn't it say July 8,  
4 2010, draft?

5 A. Yes, it does.

6 Q. All right. Can you just read at the  
7 bottom so it's in your way which you believe it  
8 should be read? Can you read it into the record  
9 for me? Below -- the section below the block?

10 A. Okay.

11 "We don't know the timing of the  
12 releases. Big data gap that cannot be filled. We  
13 have no concentration data from the '60s -- 1960s  
14 and 1970s."

15 "If we" -- and that's not -- thought  
16 is not finished.

17 "Completeness. Focus on the data  
18 (that the model is sensitive to). Evaluate the  
19 quality of the data. How would a nonexpert find  
20 some of this info. In case that there is no data,  
21 will we all certify that there is no data."

22 And then in parentheses, "Will ATSDR  
23 say that Marine Corps has not withheld data?"

24 Q. There's a note you missed there.

25 A. Yeah.

1                   To the right it says, "wife" with an  
2                   arrow, "grocery store, (needle in haystack)."

3                   Q.     Do you have the context of why you  
4                   had those in that location?

5                   A.     I don't recall. That doesn't make  
6                   any sense to me.

7                   Q.     I can tell you, my wife does not get  
8                   lost in a grocery store.

9                   But you did recognize that there was  
10                  some sort of a perception or struggle between the  
11                  Marine Corps and ATSDR about whether ATSDR was  
12                  getting all the information and whether or not  
13                  there was a claim that there might be some  
14                  withheld data. Because that's why you made the  
15                  note. Right?

16                  A.     Well, as I said before, you know, I  
17                  was at this meeting.

18                  I was aware that ATSDR felt like they  
19                  didn't have all the data. And, you know, that's  
20                  certainly reasonable, given, you know, it's years  
21                  of data, and it's just -- it's a lot of it.

22                  And as I said, I know the Marine  
23                  Corps was making every effort to do so.

24                  And I'm not aware of -- I'm not aware  
25                  of ATSDR ever saying that the Marine Corps

1 withheld data.

2 And, you know, I think the note, "In  
3 case that there is no data, will we all certify  
4 that there is no data," I think that might have  
5 been the request that ATR was making.

6 And in parentheses, it was just my  
7 thought that, you know, in return, would they  
8 acknowledge that we're not withholding data.

9 It never -- like I said, none of this  
10 ever materialized. We just -- the Marine Corps  
11 just kept giving them information as requested,  
12 everything that they could.

13 Q. Let's go back to one exhibit,  
14 Exhibit 4. I think I forgot to ask you a question  
15 before we took a break earlier.

16 And if the team wants to take a lunch  
17 break now, that would be a good time, but I just  
18 want to quickly go back to Exhibit 4.

19 A. Okay. Okay.

20 Q. At the bottom of the e-mail, we had  
21 finished the ones about the slides up front.

22 Actually, you know what? Maybe I  
23 didn't show you this exhibit.

24 Let me show -- let me check  
25 something.

1           A. You're talking about 975?

2           Q. You know, you're exactly right. I'm  
3 pulling up a --

4                         Let me see here.

5                         Let's see.

6                         Let's just go ahead and take a break  
7 now. I guess I was finished with that Exhibit 4.  
8 I'm thinking of a different exhibit number, and we  
9 can do that after lunch.

10                         Tell me how much time you need. The  
11 shorter the better, but I know you guys have a  
12 long drive.

13                         MR. ANWAR: Do you want to go off the  
14 record?

15                         MR. DEAN: Can we go off the record?

16                         THE VIDEOGRAPHER: Going off the  
17 record at 1:12 p.m.

18                         (Whereupon, a lunch recess was taken  
19 from 1:12 p.m. to 2:07 p.m. EST.)

20  
21                         THE VIDEOGRAPHER: Back on the record  
22 at 2:07 p.m.

23                         (Whereupon, Waddill Deposition  
24 Exhibit 6, ATSDR Modeling Report, Tarawa Terrace,  
25 Contains Information Subject to Protective Order:

1           Do Not Disclose to Unauthorized Persons,  
2           CLJA\_NAVY\_WADDILL\_HC\_000000645-694, was marked  
3           for identification.)

4

5           BY MR. DEAN:

6           Q.     Okay. Dr. Waddill, can you take a  
7           look at the folder, and I've just put Exhibit 6 in  
8           there.

9           A.     Okay.

10           MR. DEAN: And for the record,  
11           Exhibit 6, again, is Bates-stamped Waddill hard  
12           copy 645, and it goes through 694, it appears.

13           THE DEPONENT: Okay.

14

15           BY MR. DEAN:

16           Q.     Are you there?

17           A.     Yes.

18           Q.     All right. Number one, do you  
19           recognize the handwriting on this document?

20           A.     Yes.

21           Q.     And is it yours?

22           A.     Yes.

23           Q.     So this -- this -- these notes --

24           If you look at the title on page 1, I  
25           guess you were in some sort of a meeting or you

1           were somewhere where you were taking notes related  
2           to Tarawa Terrace water model.

3           A.     I don't remember, but undoubtedly,  
4           that's the way it was, yes.

5           Q.     Okay. And if you turn to Item 14 on  
6           the second page?

7           A.     Okay.

8           Q.     First of all, I don't know the timing  
9           of this document. I don't see -- I don't know if  
10          you remember, but I don't see dates on it.

11          A.     Yeah. I don't remember.

12               But, yeah.

13               Do you have a question about 14?

14          Q.     I believe it is around in 2008, and  
15          I'll show you why in a little bit.

16               But in any event, Item 14, there is a  
17          star and it says, "how much real data available."

18          A.     Yeah.

19          Q.     What were you thinking there? What  
20          was your question about what data?

21          A.     Well, the data would be, you know,  
22          concentration of contaminants.

23               So, you know, early on it seemed  
24          clear that there was not much of that kind of data  
25          available. And, you know, ultimately, the reports

1           said exactly how much was available. But at this  
2 point, I didn't know. And so that was, to me, an  
3 important question and I noted it there.

4           Q. Well, do you currently hold a belief  
5 that the Tarawa Terrace water modeling by ATSDR  
6 was deficient because of a lack of real data?

7           A. Well, I certainly, you know, observed  
8 and presented this to ATSDR numerous times that,  
9 you know, since concentrations of contaminants  
10 were only available -- measured concentrations  
11 were only available in the '80s, that that made  
12 modeling the concentrations in the '70s and the  
13 '60s and the '50s a very difficult proposition.

14           Q. So -- and we can go through some  
15 other documents, but from my studying you over the  
16 last few weeks, your writings, that seems to be  
17 one of your, sort of, top-tier criticisms of the  
18 ATSDR water modeling project, was this issue  
19 concerning lack of real measured data.

20                         Is that fair?

21           A. Correct.

22                         Because it's that real measured data  
23 that ties a model like this to the real world, and  
24 if you can't tie the model results to the real  
25 world, then the model results just aren't valid or

1           useful.

2           Q.     Okay. Now, we'll come back to that.

3                         But fast-forward over to Hadnot Point  
4                         modeling.

5                         They certainly had more data there.

6                         Right?

7           A.     I don't know. I don't remember.

8                         I think it was somewhat similar as  
9                         far as the years when those kinds of  
10                         concentrations were available.

11           Q.     Okay. Well, back to Tarawa Terrace.

12                         I guess what you're saying, they only  
13                         had, like, one set of data, and you're critical of  
14                         that because you think it lacks the ability to be  
15                         validated?

16           A.     Yes.

17                         And ATSDR, you know, agreed and  
18                         stated that the model was not validated, because  
19                         they didn't have data to do that step.

20           Q.     Where do you understand that was  
21                         stated, or was that in a meeting?

22           A.     You know, I don't recall exactly.

23                         I think they said as much in response  
24                         to some of my comments. And, you know, I believe  
25                         it was in writing, and it could have also been

1 verbally in meetings.

2                   But it was -- you know, there was no  
3 dispute that that model was not validated. They  
4 freely admitted that there wasn't enough data to  
5 validate the model.

6                   Q. And I guess what you're saying, if  
7 there had been a second set of data available or  
8 some other work done like you referred to for  
9 validation, that would cause you to relook or  
10 question whether, in fact, it was done properly?

11                  A. No. I'm definitely not saying that.

12                  I'm just saying since there was no  
13 data available for the '50s, '60s, and '70s,  
14 almost, you know, 35 years of time of interest,  
15 that the model is not accurate enough to -- to be  
16 useful for the purpose that it was being run.

17                  Q. Right.

18                  But what I'm asking is a  
19 hypothetical, and I recognize that.

20                  But what if there was additional data  
21 that you were not aware of that was being used to  
22 validate the model, would you reconsider that  
23 view?

24                  A. Well, you know, there is not  
25 additional data, and -- but, of course, you know,

1 I would always consider all available data, which  
2 I did in this case.

3 Q. As a matter of fact, you've got a  
4 note there in Item 17 just below 14, "Other  
5 observed data available?"

6 And then you put, "Any other model  
7 evaluation done?"

8 Do you see that?

9 A. Yes. I think this was an early  
10 meeting where there were more questions than  
11 answers.

12 But, you know, the answers, you know,  
13 were clear later on, that, you know, the data was  
14 only available in the '80s, and the model  
15 validation was not done.

16 During this meeting, my notes  
17 indicate I couldn't tell what the answers to those  
18 questions was yet.

19 Q. All right. So let's flip forward to  
20 page 653.

21 A. 653?

22 Q. Yes, sir.

23 And it's some -- an e-mail string  
24 with you.

25 A. Okay. Okay.

1           Q. Let's go -- you know, you read  
2 e-mails backwards, so let's go to page 655.

3           A. Okay.

4           Q. So do you see that this is an e-mail  
5 dated March the 3rd, 2008, and you indicate that,  
6 "Hi, Chuck and Peter. Kim and I just talked with  
7 some of the folks at NAVFAC headquarters about our  
8 meeting with ATSDR last week."

9           Do you see that?

10          A. Yes.

11          Q. And you go down a couple of other  
12 sentences and you said, "I'd like to propose that  
13 I write a first draft of my thoughts and ask you  
14 guys to add comment, revise. Scott and I don't  
15 want to engage Peter without your permission.  
16 Would that be something you'd support? We'd  
17 definitely appreciate Peter's opinion, if it's  
18 okay with you."

19           Do you see that?

20          A. I do.

21          Q. So why are you asking about  
22 Peter's -- Peter --

23           How do you pronounce his last name?

24          A. Pommerenk, I believe.

25          Q. Pommerenk. Okay. P-o-m-m-e-r-e-n-k,

1                   Mr. Pommerenk.

2                   Why were you having to ask for  
3                   permission to consult with Mr. Peter Pommerenk?

4                   A.    Well, I don't remember specifically,  
5                   but I think he must have been a contractor who  
6                   worked for Scott.

7                   And so, you know, I would be asking  
8                   permission because I would not ever task Scott's  
9                   contractor to do something. It was -- Scott would  
10                  need to do that himself.

11                  Q.    And then Kim Brown responds to your  
12                  e-mail, and she says, "Scott, I have mentioned to  
13                  Kelly that we, the Navy, had some concerns with  
14                  the overall water modeling methodology, but didn't  
15                  feel comfortable stating such in the meeting since  
16                  we're getting involved much later in the game and  
17                  plus we all know of all the high visibility CL has  
18                  gotten already. We thought it would be effective  
19                  to provide a solid position from a scientific  
20                  technical perspective. So if all the technical  
21                  folks could collaborate, then I can provide an  
22                  overall picture of how everything ties together,  
23                  along with Kelly's help, since she's been involved  
24                  on this site much more closer than me, sometime  
25                  next week for all to review."

1                   Do you see that?

2                   A. I do.

3                   Q. And do you think that the notes that  
4 we just looked at on pages 645 through 659, the  
5 handwritten notes, probably are talking about that  
6 and that's why you have them stapled together,  
7 this meeting you all had with ATSDR in late March  
8 of '08?

9                   MS. SILVERSTEIN: Object to form.

10                  THE DEPONENT: Yeah. I don't know.  
11 I don't recall anything like that, so.

12

13 BY MR. DEAN:

14                  Q. Well, in March of '08, you're asking  
15 questions about whether or not there was model  
16 validation done and whether or not there was other  
17 data?

18                  A. You're referring to my notes?

19                  Q. Yes, sir.

20                  A. Well, I think we already established  
21 there's no date on those notes.

22                  Q. Well, you're referring to an ATSDR  
23 modeling report, and you're making reference --  
24 for example, Item 1, Figure 811, and then to ES-4.

25                  So you're making reference to a

1 report. Right?

2 A. Sounds like, yeah.

3 Q. Wouldn't that be the draft report  
4 that was provided to the Navy before the final was  
5 issued?

6 A. I mean, I don't know.

7 Remember, I'm getting all of this out  
8 of context. So, you know, I just can't remember  
9 that kind of thing.

10 Q. But if you all were questioning back  
11 in -- in this e-mail chain that we just read in  
12 the end of March 2008 and not sure exactly what  
13 went on, why is it that Kim Brown has already  
14 decided that you all are going to take a position  
15 to disagree with the ATSDR findings?

16 MS. SILVERSTEIN: Objection.

17 THE DEPONENT: We had -- you know, as  
18 it says in my e-mail, we were concerned -- we had  
19 concerns, especially about the uncertainties  
20 related to the model, and we wanted to express  
21 those clearly to ATSDR.

22  
23 BY MR. DEAN:

24 Q. Yeah.

25 But she -- in the March 1, 2008,

1 e-mail at 4:02 in the afternoon, Kelly says she  
2 doesn't feel comfortable stating the concerns of  
3 your group, since we are just getting involved  
4 much later in the game.

5 That means she didn't have all the  
6 information. Right?

7 MS. SILVERSTEIN: Objection.

8 THE DEPONENT: Well, I mean, I think  
9 it means, you know, what she says, you know, just  
10 face value.

11 You know, there was a meeting and,  
12 you know, we had a series of meetings with ATSDR  
13 over time, but at this one, Kim was not  
14 comfortable expressing concerns yet because we  
15 didn't have a position to present -- that was in a  
16 presentable shape.

17 So I think, you know, what she's  
18 saying is, let's figure out where we stand and go  
19 from there.

20  
21 BY MR. DEAN:

22 Q. Well, flip to the previous page,  
23 Page 653.

24 A. Okay.

25 Q. And look at your e-mail at the bottom

1 and read it into the record for me at April the  
2 2nd, a couple of days later, 2008, at 3:26.

3 A. "Please find attached my initial  
4 impressions of the ATSDR water modeling. Our  
5 intent is to keep this internal to Navy and Marine  
6 Corps for now and to use it to brief our  
7 management. Please don't share this version with  
8 others. If it ever goes outside, we'll want to  
9 soften the wording. I wasn't trying to be too  
10 diplomatic for now. Your input, additions,  
11 corrections, et cetera, would be most welcome. I  
12 did not address the uncertainties arising from  
13 karst geology, but perhaps that is worth  
14 mentioning. Also, Peter, I know you have concerns  
15 about the groundwater flow calibrations,  
16 et cetera, so feel free to add if you think  
17 appropriate. Please comment by COB tomorrow,  
18 April 23rd, so I can send the final to Kim on  
19 Friday. Best regards, Dan."

20 Q. So where are your attached initial  
21 impressions of the ATSDR water model?

22 A. Well, it sounds like they weren't  
23 printed out for the hard copy that you got. More  
24 than that, I can't say.

25 Q. Is it possible that they are in that

1           Camp Lejeune folder on your laptop?

2           A.     Yes, it's possible.

3           Q.     Again, how about flipping forward to  
4       page 669 in this collection.

5           A.     669. Okay.

6           Q.     Do you see that agenda?

7           A.     I do.

8           Q.     Do you see it's dated March 26, 2008?

9           A.     I do.

10          Q.     Four days before your e-mail of  
11       March 31st where you said, "We had our meeting  
12       with ATSDR last week."

13           And you have -- your notes, all of  
14       this stuff is packaged, stapled together, in  
15       conjunction with that meeting. Right?

16          A.     I don't know. I mean, I don't know  
17       what you got.

18          Q.     Well, take a look at page 673.

19          A.     Well, I'm talking about stapled  
20       together.

21          Q.     Yeah.

22          A.     Well, I see the dates in front of me,  
23       and they certainly seem related to me.

24           But, again, this is all coming out of  
25       context. I haven't had time to look at any of

1           this and try to figure it out. So, you know, I'm  
2           just kind of --

3           Q.     I understand.

4           A.     And I'm not trying to dispute  
5           anything you're saying. I just -- I can't verify  
6           it. That's all I'm trying to get across.

7           Q.     Look at 681.

8                         This is part of the meeting minutes  
9           section for that March meeting.

10           A.     Okay.

11           Q.     Do you see a section there in that  
12           bullet point under Uncertainty? There was a  
13           discussion and recognition of uncertainties in the  
14           water modeling project.

15                         If you read that first bullet point  
16           there, you see how Davis is commenting about his  
17           two biggest sources of uncertainty.

18                         Do you see that?

19           A.     Yes.

20           Q.     And Robert Faye indicated that most  
21           of the uncertainty in [sic] when sources began is  
22           associated with the BTEX sources.

23                         Which is the underground storage tank  
24           areas. Right?

25           A.     I see that, yes.

1           Q. And are you aware that ultimately,  
2 although he may have not had it at the time,  
3 ultimately Bob Faye and ATSDR obtained those  
4 underwater storage tank data from Scott Williams?

5           A. I mean, I don't doubt it. I just --  
6 I don't -- I'm not aware of that.

7           Q. Okay. And then there's a bullet  
8 point by Mr. Pommerenk asking about the validity  
9 of the model, and he thinks, quote, there is no  
10 way to determine the model can predict what  
11 happened before 1982 because no data is available.

12           Do you see that?

13           A. I do.

14           Q. So the whole premise, again, of the  
15 concern with model validation is the fact that  
16 they're very limited to one set of data.

17           A. The concern is there was no data for  
18 model validation, so the model was not validated.

19           Q. Okay. And if you look -- go back to  
20 page 653.

21           The very -- at the beginning. It's  
22 about four pages in. It's the last e-mail I want  
23 to talk to you on this exhibit.

24           A. 653?

25           Q. Yes, sir.

1           A. Okay.

2           Q. So page 1 of the original e-mail.

3           A. Okay.

4           Q. Tell me when you get there.

5           A. Okay. I'm there.

6           Q. All right. The next day you send a  
7 follow-up e-mail on April 3, 2008, 10:52 a.m.

8                          Do you see that?

9           A. Yes. I do.

10           Q. And it says, "All, I've been looking  
11 through the expert peer review panel report for  
12 2005. (Peter, saw your name as one of the  
13 reviewers.) The review came before the modeling  
14 work that was discussed last week. Thus, the  
15 review can't be considered a response to the 2008  
16 water modeling as I have been thinking  
17 previously."

18                          Do you see that?

19           A. Yes.

20           Q. "A number of concerns were raised in  
21 the review, and I wonder how they're addressed.  
22 Here are a few interesting ones. No. 1" --

23                          Well, it says page 18.

24                          -- "ATSDR acknowledged that a lack of  
25 historical data exists for the contaminant source,

1 groundwater pumpage and levels, and water  
2 distribution system operations."

3 Do you see that?

4 A. Yep.

5 Q. Is that maybe a reference to what you  
6 told me earlier, that you thought there had been a  
7 recognition of limitation on available data?

8 A. I don't think this pertains to what I  
9 was saying earlier.

10 What I said earlier was, you know,  
11 ATSDR, you know, acknowledged that there was no  
12 data available for model validation, and that they  
13 did not validate the model and that  
14 acknowledgement came later. That's not part of  
15 this 2005 document.

16 Q. You're thinking that's something  
17 after 2008?

18 A. Yes.

19 This was part of the ongoing meetings  
20 and discussions we were having with ATSDR.

21 Q. And then the end of that little  
22 section, it says, "I'm wondering if ATSDR ever  
23 really got enough data."

24 Do you see that?

25 A. I do.

1           Q. If you go down a couple more lines.

2           It says, page 23, "Dr. Clark recommended  
3           developing an independent data set to validate  
4           projections in addition to parameter estimation.  
5           (At our meeting, ATSDR said they did not have  
6           enough data for model validation.)"

7                          Do you see that?

8           A. I do.

9           Q. So who was Dr. Clark?

10          A. You know, it looks like he was one of  
11           the reviewers for the expert peer review panel  
12           report from 2005.

13          Q. Okay.

14                          And evidently, at this meeting you're  
15           making reference to, which was probably the  
16           March 26th meeting that's recorded in the meeting  
17           minutes attached to this exhibit, that in that  
18           meeting, ATSDR said they did not have enough data  
19           for model validation at that time.

20                          So sort of what you're saying?

21          A. Well, I'm clearly saying that at our  
22           meeting, ATSDR said they did not have enough data  
23           for model validation.

24                          I mean -- and I'll take your word for  
25           it, that that could have been the March meeting.

1       But like I say, you know, I can't put together  
2       timelines and meetings. I can't do it with the  
3       information in front of me, but I don't dispute it  
4       either.

5           Q.     But as you sit there today, you're  
6       not aware that -- your understanding is they were  
7       only utilizing one set of data for the Tarawa  
8       Terrace model?

9           MS. SILVERSTEIN: Objection.

10          THE DEPONENT: Yeah.

11           I mean, these questions that I had  
12       became very clear fairly quickly.

13           And, you know, it is clear that ATSDR  
14       only had real-world data in the 1980s, and they  
15       used all of it for calibration, and they had no  
16       data leftover for model validation. That became  
17       very clear.

18           I did have questions at first,  
19       because I just didn't know yet. But that became  
20       clear, and ATSDR does not dispute that.

21  
22          BY MR. DEAN:

23           Q.     Okay. Now, the last question about  
24       this, there is a report. It's Bates-stamped 657.  
25       It's behind the e-mail. 657.

1 A. What is that -- oh, page 657.

2 I've got you. Got you. I'm getting  
3 there.

4 Okay. Yes.

5 Q. Now, this is from Dr. Pommerenk to  
6 Scott Williams, dated April 2, 2008, and it says,  
7 "Draft comments on Tarawa Terrace, Reports Chapter  
8 A and C."

9 Do you see that?

10 A. I do.

11 Q. This is Pommerenk's comments, not the  
12 ones that you were referring to in your e-mail?

13 A. Which e-mail?

14 I mean, this is --

15 Q. On page 653. On page 653.

16 On page 653 you say, "Please find  
17 attached my initial impression."

18 A. Yeah. Yeah. Okay. Yeah, no.

19 Q. My question is: Is that something  
20 different than this attachment?

21 A. Correct.

22 This is -- yes. This is clearly  
23 Dr. Pommerenk's memo. It's not mine.

24 Q. Okay. Yeah.

25 And have you read his memo

1 historically?

2 A. Yeah. I read it in 2008.

3 Q. Okay. As you sit there today, do you  
4 remember anything, you know, an earth-shattering  
5 position in this paper that you disagreed with?

6 A. You know, I don't remember. That's  
7 16 years ago, so.

8 Q. Let's see.

9 At any time did the DoD, Department  
10 of Navy, NAVFAC, or the Marine Corps, to your  
11 knowledge, try to put together a workshop or a  
12 work group to address the issues related to model  
13 calibration and uncertainty?

14 MS. SILVERSTEIN: Objection.

15 THE DEPONENT: Certainly, might have.

16 We had a lot of meetings and, you  
17 know, that could have been one of them.

18 I do not remember specifically.

19  
20 BY MR. DEAN:

21 Q. Well, there was a complaint that  
22 there was a lack of model validation and a lack of  
23 data to validate the model.

24 I'm just asking you, as you sit there  
25 today, are you aware of a single meeting that the

1           Department of the Navy invited ATSDR into to have  
2           a work session to address that issue and resolve  
3           it?

4           A.     Well, I just know we addressed that  
5           issue at numerous meetings, and it's not a  
6           complaint. It's just an observation that everyone  
7           agrees with, that there was only enough data to  
8           calibrate the model, and there was no more data to  
9           validate it. So the model was not validated.  
10           That's just an observation.

11           Q.     Well, let me ask you this: If a  
12           model is calibrated, can it be used to reconstruct  
13           historical values?

14           A.     Not in any scientifically valid way.

15           Q.     What about predict future values?

16           A.     Well, you know, the ATSDR model was  
17           intended to reconstruct past concentrations, but  
18           in general, groundwater modeling can be used very  
19           effectively to predict future concentrations  
20           because you can validate the model at any point,  
21           you know.

22                   As time goes on, you can take  
23           real-world data and validate the model against it.  
24           The issue with historical concentrations is, you  
25           know, if you don't have data to validate the

1 model, you're never going to have any because you  
2 can't go back into the past and take samples.

3 Q. Well, it had to be validated with  
4 additional data in order to -- in order for it to  
5 be scientifically sound. Is that what you're  
6 saying?

7 A. Yes. That's the approach.

8 Because during model calibration, you  
9 adjust the input parameters to match the  
10 calibration data that you have as best as you can.  
11 That's a standard practice.

12 But it's also standard, and it's  
13 absolutely essential to fix those parameters after  
14 calibration and not adjust them further and do  
15 your model validation on a separate data set, and  
16 that way you compare how does the calibrated model  
17 match up to the real-world data, and that's how  
18 you get model accuracy.

19 And for a model to be useful, it  
20 needs to accurately represent the real world, you  
21 know. Otherwise, it's irrelevant.

22 Q. All right. Are you familiar with the  
23 U.S. Geological Survey modeling of the  
24 Jacksonville Naval Air Station 1000?

25 A. Yes.

1           Q.    Do you have any criticisms of that  
2 modeling world?

3           A.    No. You know, not that I recall.

4                   Because, you know, that model was  
5 used for planning purposes, you know, going into  
6 the future.

7                   And, you know, as I've said, and  
8 certainly, you know, working at Jacksonville, we  
9 were -- we were always taking a lot of samples  
10 and, you know, we could always compare model  
11 predictions with real-world samples. We were not  
12 relying solely on the model to make any kind of  
13 decisions.

14           Q.    Let me ask you this: Did you ever do  
15 a comparison -- sit down at your desk or wherever  
16 and do -- look at what was done in Jacksonville  
17 and compare it to what was done at Tarawa Terrace?

18           A.    Well, I -- you know, I worked on both  
19 projects. So, you know.

20                   But as far as sitting down and  
21 writing up a comparison, I did not. But, you  
22 know, the comparison was clear in my mind, as I've  
23 stated.

24           Q.    Did they have a secondary set of data  
25 with Jacksonville Naval Air Station and that's

1 what you're using to say that that was done  
2 properly?

3 A. You know what? I'll just try to say  
4 again what I said, you know.

5 At Jacksonville, we were not relying  
6 solely on the model to make decisions. The model  
7 was used as a planning tool. And, you know, as  
8 part of the restoration program, we were regularly  
9 taking real-world samples. And that, in  
10 conjunction with the model, is how we planned our  
11 approach, you know. It's -- and that -- that is  
12 common enough, you know.

13 You -- sometimes the model helps you  
14 with your planning, but you don't rely on it  
15 alone. You have to take real-world samples, and  
16 we always do that in the cleanup program. It just  
17 happens regularly.

18 Q. And you don't think with respect to  
19 Tarawa Terrace they did that?

20 A. Well, I just know they could not have  
21 taken any samples from the '70s, '60s, and '50s,  
22 because you can't go back in time and do that.

23 It's the historical reconstruction.  
24 It's those years that are at issue.

25 Q. If -- if Tarawa Terrace's model had

1           been verified with a second independent set of  
2           data, what would your position be?

3           A.     I mean, first of all, it was not  
4           verified. It was not validated with a second set  
5           of data.

6           And, you know, if it were, my  
7           position would depend on what -- what's it all  
8           look like. I mean, there's just -- there's just  
9           no --

10          Q.     (Talking over each other.)

11          If there were, in fact, a second  
12          independent set of data that was utilized  
13          following these March meetings to which you were  
14          not aware of, where the model was validated, you  
15          still wouldn't change your opinion. Is that what  
16          you're telling me?

17          MS. SILVERSTEIN: Objection. That's  
18          misstating his testimony.

19          THE DEPONENT: Yeah.

20          I'm just saying, you're not giving  
21          enough information for me to say one way or  
22          another.

23          I will say that if -- let's say they  
24          found additional data for the '90s, which maybe  
25          they did. I don't know. Maybe that's what you're

1 getting at.

2                   If they validated the model against  
3 data from the '90s, that would not change my  
4 position on the uncertainty associated with what's  
5 really going on in '70s, the '60s, and the '50s.

6                   It's not the '90s that are at issue.  
7 It's the '70s, the '60s, and the '50s.

8                   (Whereupon, Waddill Deposition  
9 Exhibit 7, PowerPoint Slides, DON Perspective on  
10 ATSDR Water Modeling at Camp Lejeune, January  
11 2011, Contains Information Subject to Protective  
12 Order: Do Not Disclose to Unauthorized Persons,  
13 CLJA\_NAVY\_WADDILL\_HC\_0000000363-374, was marked  
14 for identification.)

15  
16 BY MR. DEAN:

17                   Q. All right. Let's go to Exhibit --  
18 pull up Exhibit 7. Let me know when you've got it  
19 up.

20                   A. Okay. I'm up.

21                   Q. This appears to me --

22                   Well, for the record, it's  
23 Bates-stamped 363 for this series of exhibits.  
24 It's 363 through 374. The first four or five  
25 pages is a PowerPoint.

1                   Do you see that?

2                   A. Yes.

3                   Q. Did you create this PowerPoint?

4                   A. Yes.

5                   Q. And it's dated January of 2011?

6                   A. Correct.

7                   Q. Can you tell me what the -- so you  
8 told me earlier in your depo you moved -- or your  
9 concentration sort of moved to munitions in '11.  
10 I don't know if this is about that same timeframe  
11 or before it.

12                  Do you remember how this came about,  
13 that you were asked to prepare this PowerPoint?

14                  A. No, I don't.

15                  But the way we -- the way we work is,  
16 you know, even if I had moved to focus on  
17 munitions, you know, I was still the subject  
18 matter expert for the Camp Lejeune groundwater  
19 modeling. So I still would have been the one that  
20 people would come to for this type of thing,  
21 and -- yeah.

22                  Q. But you don't remember what the  
23 purpose of this was as far as --

24                  A. No. No, I don't.

25                  Q. -- why you prepared it?

1                   Throughout this PowerPoint, in the  
2                   blue box at the bottom -- not every slide, but  
3                   most of the slides -- you point to the NRC as  
4                   supporting citation for whatever proposition might  
5                   be on the -- on that particular slide.

6                   Do you see that?

7                   A.     Yes.

8                   Q.     And that's because with respect to  
9                   the NRC's criticisms of ATSDR Tarawa Terrace's  
10                  water modeling, you agree with all of those  
11                  criticisms. Right?

12                  A.     You're asking if I agree with  
13                  everything in the blue boxes?

14                  Q.     No.

15                  I'm asking you, do you know what all  
16                  of the criticisms were by NRC as it pertains to  
17                  ATSDR Tarawa Terrace's water modeling?

18                  And I'm just simply asking you, do  
19                  you agree with all of them, or is there some you  
20                  take exception with?

21                  A.     I mean, I don't know that I recall  
22                  all of their criticisms or all of their  
23                  statements, but certainly the ones -- you know,  
24                  the ones here, I agree with.

25                  I mean, they're stating the same

1       concerns that I had stated. And I -- you know, I  
2 agree with that, absolutely.

3           Q. Okay. And, that's fair.

4           I guess a different way to ask it is,  
5 nothing comes to mind, as you sit there, where you  
6 disagreed with a position by NRC in their 2009  
7 report?

8           A. If you're limiting it to just the  
9 water modeling, that is correct. Nothing comes to  
10 mind.

11           But there was a lot more in that  
12 report other than just the water modeling, and for  
13 that, I wouldn't have an opinion because I'm not  
14 an expert.

15           Q. Okay. Well, that was my second  
16 question on the topic was to -- you know, NRC has  
17 a lot of criticisms of ATSDR, and I was going to  
18 ask if you had any position or whether you agree  
19 with NRC or take exception with any of their  
20 positions?

21           A. I mean, I don't have any position as  
22 a knowledgeable person on epidemiological studies.

23           I did -- I do recall reviewing one of  
24 their epidemiological studies, and as a layperson,  
25 you know, I have opinions, but I would not say

1 that they're of any value. It's just -- you know.

2 Q. So with respect to criticisms, you're  
3 sticking with those that you would agree with the  
4 NRC as it concerns water modeling?

5 A. Yes.

I mean, my position as an expert is limited to the water modeling, and it doesn't get into the other issues that the NRC got into.

16 BY MR DEAN:

17 Q. Okay. Let's go to Exhibit 8. I only  
18 have about three or four more. I'm trying to get  
19 everybody out of there by 4:00, at the latest.

20                           This is Exhibit 8. Let me know when  
21 it is there.

22 A. What page?

23 Q. I'm sorry?

24 A. What page are you on?

25 O. So Exhibit 8 in the exhibit folder.

1 for the record, is Waddill hard copy 319 through  
2 362.

3 A. Okay.

4 Q. Got it?

5 A. Yes.

6 Q. Okay. Well, you see, luckily, on  
7 this one, you dated it, your notes.

8 Do you see that? March 19, 2013?

9 A. Yes.

10 Q. The first note you have there --  
11 well, this is -- Camp Lejeune Water Model, Hadnot  
12 Point.

13 So I guess even though you had gone  
14 to munitions, you're back in 2013 assisting with  
15 some sort of review of the Hadnot Point water  
16 model?

17 A. It certainly looks that way.

18 And as I said, my level of  
19 involvement did continue, it just was very  
20 infrequent. And I'm not sure when it stopped  
21 altogether. I just don't remember.

22 Q. Okay. And you agree with me, the NRC  
23 did not take a look at the water modeling work and  
24 conclusions of ATSDR. It was only Tarawa Terrace.  
25 Right?

1                   A. Well, they made recommendations for  
2 the Hadnot Point water modeling in their 2009  
3 report.

4                   But as far as I know, they did not  
5 look at final reports for Hadnot Point.

6                   Q. Okay. Were you ever told there was a  
7 possibility of a plan to do that and it was  
8 abandoned?

9                   A. No.

10                  Q. On bullet -- or not bullet point --  
11 Item 1 says, "Scott W.," and then it says, "Only  
12 issue Mr. S doesn't know about."

13                  Do you know what that is -- why you  
14 made that note and what that is referring to?

15                  A. No.

16                  I mean, it's followed with "PCE? Or  
17 TCE not showing in wells."

18                  So maybe it's related to that. I  
19 just don't know. I can't remember.

20                  Q. And you don't know who Mr. S is?

21                  A. No.

22                  I mean, there's -- no, I don't.

23                  Scott W. is probably Scott Williams.

24                  Q. All right. And then if you turn to  
25 page 321.

1                   There is a NAVFAC ATSD water modeling  
2 brief dated April 13th.

3                   A. Yes.

4                   Q. Do you see that?

5                   A. I do.

6                   Q. Did you prepare that PowerPoint?

7                   A. Yes.

8                   Q. And on page 328, Bates-stamped 328,  
9 there's a section or a slide that says, "Bottom  
10 Line Up Front."

11                  A. On 328?

12                  Q. 326.

13                  A. 326.

14                  Yes. Got it.

15                  Q. You see there's a section that you  
16 typed out there about uncertainty?

17                  Do you see that?

18                  A. Yes.

19                  Q. You say that ATSDR utilized  
20 uncertainty in model precision, but ATSDR did not  
21 analyze uncertainty in model accuracy.

22                  Do you see that?

23                  A. I do.

24                  Q. And do you still believe that that's  
25 the truth?

1           A. Yes. It is the truth, as far as I  
2 know.

3                 They never analyzed uncertainty with  
4 respect to model accuracy, and it's a very  
5 important distinction.

6           Q. Okay. Well, let's go to a different  
7 exhibit.

8                 And I've already labeled some things,  
9 so we'll call this one -- jump ahead a little bit  
10 for the record, and call the next exhibit as  
11 Exhibit 12, and we'll come back to it.

12                             (Whereupon, Waddill Deposition  
13 Exhibit 12, Analyses of Groundwater Flow,  
14 Contaminant Fate and Transport, and Distribution  
15 of Drinking Water at Tarawa Terrace and Vicinity,  
16 U.S. Marine Corps Base Camp Lejeune, North  
17 Carolina: Historical Reconstruction and  
18 Present-Day Conditions; Chapter A: Summary of  
19 Findings; ATSDR, Atlanta, Georgia; July 2007;  
20 Contains Information Subject to Protective Order:  
21 Do Not Disclose to Unauthorized Persons;  
22 116 pages, was marked for identification.)

23  
24 BY MR. DEAN:

25           Q. If you'll look in there and see

1           Exhibit 12, and let me know when you've got it.

2 A. Got it.

Q. And I want you to go to page 852.

4 A. 852.

5 Q. You should be able to scroll, and I  
6 know it may take awhile.

7                           And at the top of the page it says,  
8        "Probable Listing Analysis."

A. Okay. Okay. I'm there.

Q. So let's read together --

11                            Well, let me ask you this: Have you  
12 ever read this page?

13 A. I probably did back in the day, yes.

14 Q. Do you know what a "probable listing  
15 analysis" is?

16 A. Yes.

17 Q. What is it?

A. Basically, it's a sensitivity

19 analysis in which they -- and it's a standard  
20 thing to do.

For certain input parameters that can be variable or difficult to measure directly, you can allow them, as a modeler, to vary. And, you know, you devise ways of picking a set of input parameters and then you run the model. And so

1           that's the first run.

2                         Then you -- you know, you let the  
3                         parameters vary according to your method and you  
4                         pick a second set and then you run the model  
5                         again. That's two.

6                         And for Tarawa Terrace, they did it  
7                         800-and-some times. And so you end up with, you  
8                         know -- you know, in this case, 840 runs of the  
9                         model, and then you can do a statistical analysis  
10                         about how the output compares, you know, what sort  
11                         of statistical distribution does it form.

12                         The important thing to note is that  
13                         this is all comparing output that comes from the  
14                         model. There's no comparison to any real-world  
15                         concentrations.

16                         And so that's -- that's it in a  
17                         nutshell.

18                         Q. So you would agree, I guess, then, by  
19                         that statement that a probable listing analysis is  
20                         a form of an uncertainty analysis?

21                         A. It is.

22                         It's -- it gets at how the model  
23                         output varies within the model world. So it gets  
24                         at -- you know, it gets at answering, you know,  
25                         what's the uncertainty with respect to model

1 precision.

2 It does not address the uncertainty  
3 with respect to model accuracy, because accuracy  
4 requires the model output to be compared against  
5 real-world concentrations.

6 Q. A second set of data?

7 A. Correct.

8 Q. So do you see in that first paragraph  
9 anything that you -- just jumps out that you  
10 disagree with? And we can read it together, if  
11 you prefer.

12 A. No. Let me read it.

13 Q. It's that first paragraph.

14 A. Yeah.

15 I think it's basically, you know,  
16 describing what I described.

17 And it's -- again, it's all within  
18 the model world. There are no comparisons to  
19 real-world concentrations. So this -- this gives  
20 you uncertainty with respect to model precision  
21 and not with respect to how accurately the model  
22 captures what's going on in the real world.

23 Q. Do you agree, you know, that a true  
24 uncertainty analysis, as you've described it,  
25 you're looking for a possible range of

1 concentration at a given historical time?

2 A. I don't really understand what you  
3 said, so I cannot agree with it.

4 Q. Okay. So is an uncertainty analysis  
5 to look at possible -- to provide with a range so  
6 that you -- you're recognizing that maybe it's not  
7 this exact level, but there's a range?

8 As a matter of fact, they make  
9 reference in the second paragraph there, if you  
10 want to take a look at the Monte Carlo analysis.

11 A. Yes.

12 Q. Do you see that?

13 A. Yes.

14 Q. And so what I'm trying to get at is,  
15 do you think there might be a misunderstanding  
16 between you and what the ATSDR did with respect to  
17 their uncertainty analysis in creating this  
18 uncertainty analysis and coming up with this  
19 possible range of concentrations with that low,  
20 medium, and high?

21 A. Yes.

22 I can assure you, there's no  
23 misunderstanding.

24 Let me give you an example to  
25 illustrate.

1               If you say, "I'm going to shoot  
2       arrows at a target," and you can shoot -- you  
3       launch 100 arrows and you go and you see where  
4       they landed, they might be clustered very close  
5       together. They might be spread out somewhat, and  
6       that gives you an idea of how precise your  
7       shooting is, you know, how one shot compares to  
8       another.

9               But what you'd really like to know in  
10      addition to that is how accurate are you. Like,  
11      your arrows might be very tightly clustered  
12      together, but very far away from the bulls-eye.  
13      You know, they might miss the target altogether.

14               And so, you know, the point that I'm  
15      trying to make is, if you talk about uncertainty,  
16      you need to be clear what type of uncertainty it  
17      is you're describing.

18               What ATSDR did in this case is  
19      uncertainty with respect to model precision.  
20      That's how tightly the model runs compared to one  
21      another, and they did. They created ranges and  
22      all of that.

23               But it's precision, and it has  
24      nothing to do with uncertainty with respect to  
25      model accuracy, which is how -- how closely does

1           that cluster come to the real world, and that's  
2           just unknown because they didn't have data to do  
3           that kind of analysis.

4           Q.     And if you turn to page 860, so about  
5           eight pages forward. You'll see a section there  
6           that continues this summary of findings, and you  
7           see where they charted those Monte Carlo runs.

8                          Do you see that?

9           A.     Okay. Page 864 you said?

10           Q.     860. 8-6-0.

11           A.     Okay. Okay. I'm there.

12           Q.     My question is: Do you see that they  
13           graph on that page those Monte Carlo runs, and  
14           they come out with -- with a range of  
15           concentrations representing 95 percent of those  
16           Monte Carlo simulations that you referred to?

17           A.     Yes.

18                          I'm very familiar with this graph.

19           Q.     And you're just saying -- you're  
20           saying that is not an uncertainty analysis in your  
21           sense of what that meaning is?

22                          MS. SILVERSTEIN: Object to form.

23                          THE DEPONENT: No. And I'll say it  
24           again. I said it a couple of times already.

25                          This is an uncertainty analysis with

1 respect to model precision. This tells very  
2 clearly how all the various runs of the model  
3 compare to each other, but it is not an  
4 uncertainty analysis with respect to model  
5 accuracy.

6 For example, if you look at January  
7 1975, all of the model outputs are clustered, you  
8 know, around -- just looking at the graph -- from  
9 100 to maybe 50.

10 It's a log scale. The concentration  
11 on the left is a log scale, you know.

12 So this tells you how closely the  
13 model runs matched up with each other, but what's  
14 unknown at this time is what was the real  
15 concentration. The real concentration could have  
16 been over 1,000. It could have been less than  
17 0.1.

18 It's just, you know --

19 And that's the uncertainty analysis  
20 with respect to accuracy that's very important.  
21 That's the tie to the real world and that's what's  
22 missing.

23 Q. Okay. Thank you for that.

24 Let's move in a different area real  
25 quick.

1                   So the ATSDR water modeling, do you  
2 know if it went through a peer review process?

3                   A. I don't know what they did. I may  
4 have heard at the time. I don't remember.

5                   Q. Do you remember that -- anything  
6 about the ATSDR being peer-reviewed before,  
7 during, and after the studies were completed?

8                   A. You know, I don't remember what they  
9 did.

10                  I mean, I know they had procedures  
11 that they follow.

12                  Q. Do you remember that the ATSDR peer  
13 review activities and peer review work was all  
14 made public? It's all there on their website  
15 where it is available in the public domain.

16                  A. Well, I don't doubt that they did it,  
17 then.

18                  But you're asking me if I remember,  
19 and I just -- I don't remember what they did.

20                  Q. I want you to take it as a fact for  
21 purposes of my next few questions, that that ATSDR  
22 peer review activities and work was made public,  
23 was available to you or anyone else at the time  
24 should you care to -- you know, if somebody had a  
25 need to look at it. Okay?

1 A. Sure. I accept that.

2 Q. Now, what do you know about the  
3 NRC's -- do you know whether or not the NRC's 2009  
4 paper, was it peer-reviewed?

5 A. I do not know.

6 Q. Well, I'll tell you it was.

7 A. Okay.

8 Q. I want you to accept my word that it  
9 was.

10 A. Fair enough.

11 0. Have you ever seen it?

A. Not that I recall, no.

13 (Whereupon, Waddill Deposition  
14 Exhibit 9, Various documents with cover sheet  
15 being Action Items: Dan & Morris meet, Notes,  
16 Contains Information Subject to Protective Order:  
17 Do Not Disclose to Unauthorized Persons,  
18 CLJA\_NAVY\_WADDILL\_HC\_0000000153-220, was marked  
19 for identification.)

21 BY MR. DEAN:

22 Q. Turn to Exhibit No. 9. I've got it  
23 in the folder for you.

24 MS. SILVERSTEIN: Kevin, I see what's  
25 marked as Exhibit 11. Is that Exhibit 9?

1                   MR. DEAN: Well, let's see. Did I  
2 put the wrong one in there?

3                   That's possible. We'll leave that  
4 one in there. I'm going to put 11 -- I mean, 9 in  
5 there.

6                   Give it just a second to refresh. It  
7 should be in there now.

8                   MS. SILVERSTEIN: Yeah. I see it.  
9

10                  BY MR. DEAN:

11                  Q. Have you got it up, Dr. Waddill?

12                  A. Not yet.

13                  Q. Okay.

14                  MS. SILVERSTEIN: Is this 153?

15                  MR. DEAN: Yes, ma'am.

16                  MS. SILVERSTEIN: Great.

17                  THE DEPONENT: Okay. Yes.

18

19                  BY MR. DEAN:

20                  Q. Is this the Bates-stamped one --

21                  MS. SILVERSTEIN: Kevin, you're  
22 breaking up.

23

24                  BY MR. DEAN:

25                  Q. Exhibit 9, page 153?

1                   Is that your handwriting on page 153?

2                   A.    Yes.

3                   Q.    If you look at the bottom, you've got  
4                   a note about NRC peer review.

5                   Do you see that?

6                   A.    Yes.

7                   Q.    And you say -- you say the word,  
8                   "transparent, but cost and time."

9                   What did you mean by that?

10                  A.    You know, I don't know. I don't --  
11                  you know, I don't remember this.

12                  I mean, it may be, you know,  
13                  considering the NRC review of the ATSDR work to be  
14                  a peer review. I don't know.

15                  Q.    Well, let me see if you agree.

16                  If you're going to judge the peer  
17                  review process for ATSDR, the peer review process  
18                  that was done -- and you could review both of  
19                  them --

20                  A.    You're breaking up.

21                  THE VIDEOGRAPHER: Going off the  
22                  record at 3:15 p.m.

23                  (Whereupon, a recess was taken from  
24                  3:15 p.m. to 3:20 p.m. EST.)

1                   THE VIDEOGRAPHER: Back on the record  
2                   at 3:20 p.m.  
3

4                   BY MR. DEAN:

5                   Q. Okay. So let me know if you have any  
6                   difficulty hearing me, and I'll try to -- but I  
7                   hope this is better.

8                   A. So far, so good.

9                   Q. All right. So Exhibit 9 is where we  
10                  are, and I was having you try to remember and  
11                  reflect on the note, No. 2, that's on the bottom  
12                  of page 153.

13                  Do you see that?

14                  A. 153, yes.

15                  Q. The very -- okay.

16                  And my point that I was asking you to  
17                  comment on was, if you're going to evaluate the  
18                  transparency of the peer review process and  
19                  compare two, like in this case, NRC and ATSDR, you  
20                  would need to see both of their peer-reviewed  
21                  reviews and process documents. Right?

22                  MS. SILVERSTEIN: Object to form.

23                  THE DEPONENT: Yeah.

24                  I mean, it's a hypothetical. I've  
25                  never compared or was aware of their peer review

1 processes, at least not that I call.

2

3 BY MR. DEAN:

4 Q. You don't know how -- let me ask you  
5 this: You don't know how the committee was formed  
6 that made up the NRC committee, do you?

7 A. That is correct. I do not know how  
8 that was formed.

9 Q. You don't know who had input, and you  
10 don't know what communications took place for the  
11 selection of those members?

12 MS. SILVERSTEIN: Object to form.

13 THE DEPONENT: I do not.

14

15 BY MR. DEAN:

16 Q. You don't know if any of those  
17 committee members had any sort of conflicts of  
18 interest that were not considered at the time, do  
19 you?

20 A. No.

21 That would follow from what I've been  
22 saying about not being aware of how that process  
23 occurred.

24 Q. Okay. You don't know whether or  
25 not -- and you don't know how the debate took

1 place with regard to the final drafting of the  
2 report, because neither you nor I have seen those  
3 drafts. Right?

4 A. Well, I don't know about you, but I  
5 have not seen any --

6 You're talking about draft NRC  
7 reports, I believe. I saw the final.

8 Q. That's all I've seen.

9 You haven't seen any of the work done  
10 by the peer review committee that's referenced in  
11 the NRC report. You haven't seen any of those  
12 peer review activities or e-mails or comments,  
13 have you?

14 A. I mean, not that I recall.

15 Q. So you don't know whether or not the  
16 NRC peer review was actually transparent or not,  
17 do you?

18 A. I don't know anything about the NRC  
19 peer review.

20 Q. All right. Now, go to the next page,  
21 155, of the same Exhibit 9.

22 A. Okay.

23 Q. You have a note there under Item 6  
24 that says, "Basic instruction is that water  
25 modeling will provide exposure concentrations

1 monthly to support these health steps."

2 Do you see that?

3 A. Yes.

4 Q. And then you say, "But we now agree  
5 that Hadnot Point modeling may be a no-go."

6 Why did you say it's a no-go?

7 A. You know, I don't know.

8 These are -- these are my notes from  
9 some meeting. And, you know, I assume I'm just  
10 taking notes on what people are saying, you know.

11 I know there were concerns about how  
12 to follow up with Tarawa Terrace, you know, but I  
13 don't remember.

14 But, I mean, regardless, they -- they  
15 did do modeling at Hadnot Point.

16 Q. And then in Item No. 7 you state,  
17 "There's a public perception that we are trying to  
18 kill the modeling at Hadnot Point."

19 Do you see that?

20 A. Again, these are my notes.

21 Probably, somebody at the meeting was  
22 saying something to that effect.

23 Q. Were you and your team and others at  
24 NAVFAC trying to kill the water modeling at Hadnot  
25 Point?

1                   A.     Absolutely not.

2                   I mean, we -- we supported studies at  
3     Camp Lejeune, the Navy supported studies,  
4     countless studies, and we continued to support all  
5     scientific studies that could be helpful to our  
6     service members and their families.

7                   Q.     All right. Go to the next page, 159.

8                   It's a typed-up page, "Department of  
9     the Navy statement for the expert panel assessing  
10    ATSDR's methods and analysis."

11                  Do you see that?

12                  A.     Yes.

13                  Q.     It looks like some prepared statement  
14     that you sort of read to the panel. Is that  
15     right?

16                  A.     I believe that's correct, yes.

17                  Q.     And then if you turn to page 209 --

18                  A.     209?

19                  Q.     Yes. Bates-stamped page 209.

20                  A.     Huh. I'm on 161.

21                  Q.     It doesn't go to 209?

22                  A.     Well, I'm in the 160s. Do I go way  
23     down?

24                  Q.     Yeah. All the way to 209.

25                  A.     Okay. Okay.

1           Q. I'm sorry, but I'm not being critical  
2           of anybody, but the way this document was  
3           produced, it had this many pages together. So I  
4           don't know if it was a file folder or stapled  
5           together, but it was one document when I received  
6           it, so I tried to keep it like I received it.

7           A. Okay. 209. Okay.

8           Q. So this is a draft response, I guess,  
9           from ATSDR back to the Navy, and you're commenting  
10          there on -- in that first paragraph where they're  
11          saying this historical reconstruction was  
12          successfully applied to Tarawa Terrace, and then  
13          you've got some notes below it.

14           Do you see that?

15           A. I do.

16           Q. So I just want to make sure that I  
17          read this correctly.

18           You've got a line drawn through the  
19          word "successfully," and you say, "How has success  
20          been judged?"

21           Do you see that?

22           A. I do.

23           Q. Can you read what you said under  
24          there?

25           A. "Given -- given the uncertainty

1           associated with the reconstructed concentrations,  
2           the failure to meet calibration targets, and the  
3           lack of real data -- for example, no validation --  
4           are the historically reconstructed concentrations  
5           actually useful for the EPI study?"

6           Q.    And, of course, your answer to that  
7           question is no?

8           A.    Well, I do not answer that question  
9           here. I just raised the question, and I think  
10          it's a fair one.

11           You know, ultimately, there were  
12          quite a few of us that felt like those monthly  
13          concentrations were not accurate enough to support  
14          the epidemiological studies.

15           Q.    Well, would you defer to Dr. Bove as  
16          the lead epidemiologist, the study that he had  
17          authored, '17 and '18, to comment on whether or  
18          not those monthly concentrations were useful for  
19          his EPI studies?

20           A.    You're asking would I defer?

21           Q.    Yes.

22           A.    No, I would not defer, because the  
23          monthly concentrations come from the water  
24          modeling, and his expertise is in epidemiology,  
25          just like --

1                   So, you know, it's -- it's my  
2 evaluation and certainly the NRC's evaluation that  
3 those monthly concentrations were not accurate  
4 enough or valid to be of use in the EPI studies.

5                   I mean, the NRC went further to say  
6 that to use them could be harmful, because it  
7 could give a misleading perception that these  
8 erroneous values are, you know, correctly  
9 assigning exposure levels. In the words they  
10 used, it could, you know, erroneously implicate or  
11 exonerate exposure levels. And so that's --  
12 that's a serious concern.

13                  Q. What if -- you recognize that Morris  
14 Maslia who did the water modeling at Tarawa  
15 Terrace is an internal employee to ATSDR, as well  
16 as Dr. Bove. Right?

17                  A. I believe that's correct.

18                  Q. What if Dr. Bove was aware of the  
19 validation of this model that made him feel  
20 comfortable that the monthly concentration data  
21 was sufficiently accurate for his use, would you  
22 in that case defer to Dr. Bove?

23                  MS. SILVERSTEIN: Objection.

24                  THE DEPONENT: I mean, I'm just  
25 saying that the concern with the monthly

1 concentrations is a water modeling concern. And  
2 so, you know, the experts with respect to water  
3 modeling, it would be inappropriate to defer those  
4 concerns to an epidemiologist.

5 (Whereupon, Waddill Deposition  
6 Exhibit 10, Various e-mails, the first document  
7 being an e-mail from Dan W. Waddill to Mary Ann  
8 Simmons, Scott R. Williams, Mario O. Dumenigo, Kim  
9 P. Brown, Brian P. Harrison, Wanda Holmes, Edward  
10 J. Newbaker, Christopher D. Gamache, Christopher  
11 P. Rennix, and Uzo Chukwuma; Subject: RE: Major  
12 After Action from DON/ATSDR Meeting of 7/16/09;  
13 signed by dan.waddill@navy.mil; July 17, 2009;  
14 6:07 p.m.; Contains Information Subject to  
15 Protective Order: Do Not Disclose to Unauthorized  
16 Persons; CLJA\_NAVY\_WADDILL\_HC\_0000000909-974, was  
17 marked for identification.)

18  
19 BY MR. DEAN:

20 Q. Let's go to Exhibit 10, and we're  
21 getting close to being done.

22 And just let me know when it's there.

23 A. Thank you. I'm here.

24 Q. Now, Exhibit 10 is a series of  
25 Waddill hard copy documents beginning Bates stamp

1           909 through 973.

2           A.     Okay.

3           Q.     Do you recognize the e-mail that's on  
4       page 909, sent by yourself on July 17th to Mary  
5       Simmons, Scott Williams, and others?

6           A.     Yes. I see it here.

7           Q.     Now, do you know when the NRC report  
8       was issued?

9           A.     It's a 2009 date. I don't recall  
10      exactly.

11          Q.     Let me see if I can find it.

12           Well, I don't have the exact date on  
13      the summary -- public summary.

14           Do -- do you remember that it was in  
15      the summer of 2009? In or about -- it's about the  
16      July -- June or July 2009?

17          A.     I do not remember.

18          Q.     Let me scratch that and ask it again.

19           Yeah. Let me scratch that and ask  
20      you a new question.

21           Do you believe that the NRC report  
22      had already been issued when you issued -- when  
23      you wrote this e-mail?

24          A.     Yes. Yes.

25           We had seen the report. There was a

1 prepublication copy and then the final came out.

2 Q. So it's possible the final came out  
3 after you wrote this e-mail and had been reviewing  
4 the draft?

5 A. Well, it wasn't a draft. It was a  
6 prepublication copy. So it was --

7 Q. Yes. I'm sorry.

8 A. Yeah.

9 I mean -- and I guess it's possible,  
10 but I just don't know.

11 Q. The prepublication copy was made  
12 available -- yeah. It was made available to the  
13 Navy and ATSDR and everyone to give them a  
14 heads-up before its release to the public. I'm  
15 not suggesting that there was anything wrong with  
16 that, but that's how it worked. Right?

17 A. Yes. That's what I recall.

18 We had a prepublication copy, and the  
19 final came at some point thereafter.

20 Q. And then you say, "Here are my  
21 thoughts on NRC and the water modeling budget and  
22 schedule."

23 A. Yes.

24 Q. Do you see that?

25 A. I do.

1           Q. And then at the end of that first  
2 paragraph, "The NRC committee for Camp Lejeune was  
3 comprised of world-class scientists, and given the  
4 NRC mission, our motive and decisions are readily  
5 defended and supported if we follow the NRC  
6 recommendations."

7                         Is that what you wrote?

8           A. Yes.

9           Q. Actually, let's go to the end of the  
10 e-mail trail, page 913.

11          A. Okay.

12          Q. Now, do you -- while you're getting  
13 to page 913, do you remember that there were  
14 annual budgeting meetings where there were funding  
15 issues that would come up from time to time in the  
16 different stages of ATSDR work and the NRC  
17 activities or the NRC report and review was a -- a  
18 tool or a resource -- a resource that was  
19 available to help guide those budget discussions?

20                         MS. SILVERSTEIN: Object to form.

21                         THE DEPONENT: I mean, I -- I  
22 interpreted the NRC report to be a guide to  
23 scientific approaches, not to budgeting.

24                         (Interruption by alarm.)

25                         MR. DEAN: Hold on. I'm sorry.

1                   Tornado warning. If you all see me  
2 disappear in a minute, you'll know where I went.

3                   THE DEPONENT: I mean, I am aware  
4 that there were budget discussions, and I may have  
5 been at meetings when the budget was discussed,  
6 but, you know, that was -- that was not my area.  
7 So I would have been tuning out those discussions.

8

9 BY MR. DEAN:

10                  Q. So if you look at the bottom of  
11 page 913, there's an e-mail from Kim Brown to  
12 yourself and others. The subject is "Major --  
13 Major Act or Actions from the DON/ATSDR meeting of  
14 July 16, 2009."

15                  A. Okay.

16                  Q. And it says at the top of the  
17 page 915 where that e-mail continues, "We had a  
18 few action items from our meeting today, but the  
19 more immediate one was to provide a decision back  
20 to ATSDR if we're going to fund all the efforts  
21 for Option 1 of FY09. ATSDR provided some  
22 enlightening messages in their concerns with the  
23 NRC report. In order to provide some feedback on  
24 any reservations with funding of any portions of  
25 the ATSDR activities, I need to hear complete

1                   justification from everyone based on sound --  
2                   sound scientific reasoning. Dan provided some  
3                   justification for the water modeling, and Chris  
4                   provided some justification for the mortality  
5                   study. If everyone can provide their  
6                   justification to me, I will consolidate and  
7                   provide to ATSDR once we are back early next week.  
8                   Please respond to me by close of business 21  
9                   July."

10                   Do you see that?

11                   A. I do.

12                   Q. And then if you come back to the  
13                   previous page, page 913, and go up to the e-mail  
14                   before that, there's an e-mail from Mario  
15                   Dumenigo, D-u-m-e-n-i-g-o.

16                   Do you see that?

17                   A. Yes. Yes.

18                   Q. To you and others. He's with NAVFAC.

19                   Do you know who he is?

20                   A. Yes.

21                   Q. Okay. He says, "Well, we may have to  
22                   see what they provide to justify the additional  
23                   work, cost increase, for the water modeling and  
24                   decide if we want to pay the increase this year or  
25                   make them wait until next year. It is clear that

1       they want to keep as much of the funding issued as  
2       possible. They said they want to proceed with the  
3       mortality study as originally planned and without  
4       changing the scope, regardless of expert panel's  
5       findings. If you disagree and want to see what --  
6       their official rationale for this decision, we  
7       need the justification to support our actions for  
8       not funding."

9                          Do you see that?

10                  A. I do.

11                  Q. So the Navy and NAVFAC was going to  
12       utilize the NRC study to either stop funding for  
13       that year or no funding for the following year or  
14       curtail their spending and reduce what they were  
15       doing.

16                          Is that fair?

17                  MS. SILVERSTEIN: Objection.

18                  THE DEPONENT: No. I will say that's  
19       not fair.

20                          The situation that's being shown here  
21       is that, you know, the Navy was willing at the  
22       time, and always was and still is, willing to fund  
23       scientifically defensible work that will be a  
24       benefit to our sailors, our Marine Corps  
25       personnel, and their families.

1                   And, you know, the NRC was  
2 questioning the scientific value of some of that,  
3 and so what this reflects is Navy leadership  
4 trying to figure out, you know, how do we fund it  
5 and when, in order to best support our people.

6                   That's what this is.

7  
8                   BY MR. DEAN:

9                   Q. Well, it seems to me, if you read the  
10 e-mail, historically what Mr. Dumenigo said, we  
11 need to -- "We need a justification to support our  
12 actions for not funding this fiscal year."

13                   How else can you read that except  
14 Mr. Dumenigo, at least in his mind, is seeking the  
15 NRC's justification for not funding any more ATSDR  
16 activity as of July 2009?

17                   MS. SILVERSTEIN: Objection.

18  
19                   BY MR. DEAN:

20                   Q. That's what it says, isn't it?

21                   A. He's just saying --

22                   Okay. ATSDR told them they "want to  
23 proceed with the mortality study as originally  
24 planned and without changing the scope, regardless  
25 of expert panel's findings. If you disagree and

1 want to see what -- their official rational --  
2 rationale for this decision, we need the  
3 justification to support our actions if we're not  
4 funding this FY."

5 So, you know, all he's saying is that  
6 if we -- if we disagree with the ATSDR proposal,  
7 then we would have to justify that.

8 Q. And then -- let's see.

9 Whose comments are these, page 913,  
10 912?

11 912.

12 And then on page 911, do you see an  
13 e-mail from Mary Ann Simmons in this chain,  
14 Friday, July 17, 2009, at 3:53? Do you see that?

15 A. Yes.

16 Q. She says, "Agree with all the below,  
17 and here's my 2 cents. We have been -- we have  
18 been saying that we will, quote, use the results  
19 of the National Academy of Science's review to  
20 respond to future Camp Lejeune historic drinking  
21 water initiatives."

22 Did I read that correctly?

23 A. Yes.

24 Q. So there was a predetermined decision  
25 that this group, including you, would use the

1 results of National Academy of Science's review to  
2 refine or reduce future Camp Lejeune historic  
3 drinking water studies. Is that right?

4 MS. SILVERSTEIN: Objection. That's  
5 misstating the testimony.

6 THE DEPONENT: Yeah. I mean, as I've  
7 said --

8

9 BY MR. DEAN:

10 Q. Well, I think --

11 Let me ask you this, Mr. -- Mr. --  
12 Dr. Waddill: Did I read the context of what that  
13 first paragraph said about what you and the others  
14 in NAVFAC were doing and going to use this report  
15 for?

16 A. I -- I don't believe I follow.

17 You know, as I've said, we -- we were  
18 perfectly willing to fund and support any  
19 scientifically defensible studies, but if NRC came  
20 out with concerns about the studies, as they did,  
21 then, you know, that would be factored into  
22 decisionmaking, which is appropriate because  
23 that's the purpose of having the NRC.

24 A couple of other things to note. I  
25 see below Congress directed us to have the NRC do

1           this report. So that's the answer to your  
2           question, you know, where did that come from.  
3           Congress directed the Navy to do it, to fund the  
4           NRC to do a report.

5           Q. To fund an impartial study by  
6           nonbiased scientists. You agree with that.  
7           Right?

8           A. Well, you know, it looks like --

9           Q. World-renowned. World-renowned  
10          scientists.

11          A. It looks here like Congress --

12          Q. Let me --

13          A. -- directed the Navy to fund the NRC  
14          to do their report. And, you know, my  
15          understanding certainly is that the NRC is made up  
16          of scientists who are doing their best to be  
17          unbiased and truthful, and I see no reason to  
18          dispute that.

19          Q. Well, then, how do you explain why  
20          Ms. Simmons knew that NRC report was going to come  
21          out against ATSDR's conclusion? Because that's  
22          what she says in this paragraph.

23          A. That is clearly not what she says.

24          Q. I'm going to quote it to you one more  
25          time, and then you and I will move on.

1                   "We" --

2                   And you're a part of this e-mail.

3                   Right?

4                   A.     Yes.

5                   Q.     "We have been saying that we will use  
6                   the result" --

7                   And she quotes from somewhere.

8                   -- "use the results of the National  
9                   Academy of Science's review to refine future Camp  
10                  Lejeune historic drinking water initiatives."

11                  Did I read that correctly?

12                  A.     You did read that correctly, and what  
13                  it means is, that, you know, depending on what the  
14                  NRC said, we would refine our reproach.

15                  It could be that we would fund many  
16                  more studies than expected. We might spend a lot  
17                  more money, depending on what the NRC recommended.  
18                  You know, it goes both ways.

19                  Q.     Well -- that's right.

20                  But what Ms. Simmons wanted to do and  
21                  your group -- if you keep reading, she says, "Now  
22                  that the NRC has spoken and provided their expert  
23                  opinion, seems to me that we have at least a  
24                  partial path forward, based on their findings."

25                  Quote -- or then she says, "Can we

1 pick and choose which recommendation to use or not  
2 use? We can, but to me anyway, that makes our  
3 lives much more difficult."

4                   Do you see that?

5                   A. Yes.

6                   And I -- you know, I agree with her.  
7 Picking and choosing is not -- is not the way to  
8 go.

9                   And, you know, what she's saying is,  
10 before we got the NRC report, we were agreeing to  
11 adjust our approach, based on what they said.  
12 That might mean that we fund a lot more studies if  
13 they recommended that, or it might mean that we go  
14 the other way, and then -- you know.

15                  So once we had their report, then,  
16 you know, we know what their recommendations are.

17                  And as I said before, we were very  
18 much concerned about funding studies that could be  
19 to the detriment of our personnel. And the NRC  
20 raised that issue, and that was a serious concern  
21 for us.

22                  I'll also point out that, you know,  
23 Mary Ann Simmons was, you know, a public health  
24 center person, and, you know, she's not part of  
25 the budgeting decision. That was made by NAVFAC.

1           Q.    Okay.  And is it your testimony,  
2 before you saw the prepublication copy, you did  
3 not know that the findings by the NRC were going  
4 to be critical and against the findings of ATSDR?  
5 Is that what you're telling me?

6           A.    No, that's not what I'm telling you.

7                   But what I will tell you is that I  
8 did not have any idea of what the NRC was going to  
9 say until I saw their prepublication copy, and  
10 then I knew what they said.

11          Q.    How did you -- when was it you first  
12 learned they were going to be critical?  Was it  
13 before they started doing their work, or was it  
14 during the process of them doing the work?  Who  
15 told you they were going to be critical?

16           MS. SILVERSTEIN:  Objection.

17           THE DEPONENT:  As I've said, nobody  
18 told me they were going to be critical.  I had no  
19 idea what they were going to say until I read  
20 their report.

21  
22          BY MR. DEAN:

23          Q.    Okay.  I misunderstood.  I'm sorry.

24                   I thought you just told me you were  
25 aware before you got the prepublication copy that

1           they were going to be critical.

2                         Did I misunderstand you?

3           A.    You did.  Perhaps it broke up a  
4                         little bit.

5                         I would have said I was unaware.  I  
6                         did not know what they were going to say until I  
7                         read their report, which would have been the  
8                         prepublication copy.

9                         MR. DEAN:  Okay.  Let's go to the  
10                        last exhibit and see if we can do this in  
11                        6 minutes, which Haroon knows I take a little bit  
12                        longer than what I say, but I'll try.

13                         MS. SILVERSTEIN:  Is this Exhibit 11?

14                         MR. DEAN:  Tell me when you've got  
15                        Exhibit 11 up.

16                         Yes, ma'am.

17                         (Whereupon, Waddill Deposition  
18                        Exhibit 11, Various documents with cover sheet  
19                        being Action Items:  Dan & Morris meet, Notes,  
20                        Contains Information Subject to Protective Order:  
21                        Do Not Disclose to Unauthorized Persons,  
22                        CLJA\_NAVY\_WADDILL\_HC\_0000000153-220, was marked  
23                        for identification.)

24                         THE DEPONENT:  Okay.

1 BY MR. DEAN:

2 Q. Now, Exhibit 11 to your deposition is  
3 Bates-stamped 823, Waddill\_HC\_823 through --

4 A. Where are you?

5 I'm on some notes pages.

6 Q. Just a couple of pages I want to talk  
7 to you about in here.

8 A. I'm not with you yet.

9 Q. If you turn to page 840.

10 Okay.

11 MS. SILVERSTEIN: Kevin, what's the  
12 Bates stamp of the first page?

13 MR. DEAN: Of Exhibit 11?

14 MS. SILVERSTEIN: Yes.

15 MR. DEAN: 823.

16 MS. SILVERSTEIN: Okay. Our  
17 Exhibit 11 is --

18 MR. DEAN: Did I introduce it in the  
19 folder?

20 MS. SILVERSTEIN: There's an  
21 Exhibit 11, but it is 153.

22 MR. DEAN: Is what?

23 Let me go into the Marked Exhibits  
24 folder.

25 Okay. So let me just -- I'll re- --

1                   MS. SILVERSTEIN: Yeah. I don't  
2 think we have the right exhibit.

3                   MR. DEAN: Give me just a second.  
4 I'll redo it.

5                   MS. SILVERSTEIN: Okay. Great.

6                   MR. DEAN: I will put it in there and  
7 I'll call it 13.

8                   MS. SILVERSTEIN: Thanks.

9                   MR. DEAN: Okay. To be marked.  
10 I'll rename that as Exhibit 13.

11                  (Whereupon, Waddill Deposition  
12 Exhibit 13, Analyses of Groundwater Flow,  
13 Contaminant Fate and Transport, and Distribution  
14 of Drinking Water at Tarawa Terrace and Vicinity,  
15 U.S. Marine Corps Base Camp Lejeune, North  
16 Carolina: Historical Reconstruction and  
17 Present-Day Conditions; Chapter A: Summary of  
18 Findings; ATSDR, Atlanta, Georgia; July 2007;  
19 Contains Information Subject to Protective Order:  
20 Do Not Disclose to Unauthorized Persons;  
21 116 pages, was marked for identification.)

22  
23                  MR. DEAN: I'm sorry about that. It  
24 should be showing up in the folder as 13.

25                  Do you see 13?

1 MS. SILVERSTEIN: Yeah. Mine is  
2 coming up as the ATSDR report.

3 MR. ANWAR: Did he say, "13"?

4 MS. SILVERSTEIN: Is this the  
5 Chapter A?

6 MR. DEAN: Exhibit 13 -- I'm looking  
7 in the Marked Exhibits folder.

8 MS. SILVERSTEIN: Yeah. Exhibit A --  
9 or Exhibit 13 is Chapter A, Summary Findings.

10 I just want to make sure that we're  
11 pulling up the same document.

12 MR. DEAN: Okay. That's what happens  
13 when you mark exhibits on the fly.

14 THE COURT REPORTER: Kevin, does it  
15 say "ENC Today" on the top of it?

16 MR. DEAN: Yes.

17 THE COURT REPORTER: Yes. So somehow  
18 you're not getting the right exhibit.

19 (Whereupon, Waddill Deposition  
20 Exhibit 14, ENCToday.com Article: ATSDR report  
21 sheds light on extent of Lejeune water  
22 contaminants; October 22, 2010; Contains  
23 Information Subject to Protective Order: Do Not  
24 Disclose to Unauthorized Persons;  
25 CLJA\_NAVY\_WADDILL\_HC\_0000000823-908, was marked

1 for identification.)

2

3 MR. DEAN: Exhibit 14?

4 THE COURT REPORTER: I've got -- this  
5 is the court reporter.

6 My Exhibit 11 and my Exhibit 13 say  
7 "ENC Today" on it.

8 MS. SILVERSTEIN: I've got it as 14.

9 THE COURT REPORTER: Now the court  
10 reporter is confused.

11 So I have Exhibit 11, Exhibit 13, and  
12 Exhibit 14 are the same exhibit.

13 MS. SILVERSTEIN: I just pulled up  
14 what you put in as Exhibit 14. It has the Bates  
15 stamp ending in 823. Is that what --

16 MR. DEAN: Let me see.

17 MS. SILVERSTEIN: The "ENC Today.  
18 The ATSDR Report sheds light on extent of Lejeune  
19 water contaminants."

20 MR. DEAN: So I'm in the Marked  
21 Exhibits folder. Exhibit 13 is Chapter A  
22 document.

23 I don't know what you're looking at,  
24 Madam Court Reporter, but in the Marked Exhibits  
25 folder, Exhibit 13 is Chapter A. It's

1 Bates-stamped, for the record, in the Marked  
2 Exhibits folder -- it's not Bates-stamped,  
3 actually.

4 It's the -- a pretty long document.

5 (Audio was interrupted.)

6  
7 MR. DEAN: And then the other one you  
8 said was 11? Is that right, 11?

9 And then in the folder -- I mean, in  
10 the Marked Exhibits folder for Exhibit 11, that  
11 Bates stamp again is 153.

12 MS. SILVERSTEIN: Yeah. I've got  
13 that one.

14 MR. DEAN: Okay. So the new exhibit  
15 I entered now --

16 MS. SILVERSTEIN: I have --

17 MR. DEAN: -- is Exhibit 14.

18 THE COURT REPORTER: Okay. I have  
19 Exhibit 9 is 153.

20 MR. ANWAR: That's Exhibit --

21 THE COURT REPORTER: Okay. He's  
22 changed -- these numbers are wrong, then.

23 MR. ANWAR: It might be Exhibit 9,  
24 too.

25 MR. DEAN: So, no. You're in the

1 wrong folder, Madam Court Reporter.

2 THE COURT REPORTER: Okay.

3 MR. DEAN: The folder you need to be  
4 in is the Marked Exhibits.

5 THE COURT REPORTER: Okay.

6 MR. DEAN: It says, "Dan Waddill."

7 THE COURT REPORTER: Okay.

8 Exhibit 14?

9 MR. DEAN: Yes.

10 THE COURT REPORTER: Okay.

11 MR. DEAN: The other folder is sort  
12 of a work -- the other folder is sort of a working  
13 folder, and I put the final exhibits we marked in  
14 the deposition in the Dan Waddill Marked Exhibits.

15 THE COURT REPORTER: That's fine. I  
16 just need to make sure I've got the exhibits  
17 correct. Sorry.

18 MR. DEAN: Yes. That's okay. No  
19 problem.

20 I've only been doing this two days,  
21 so it's all new to me.

22 So are you ready, Dr. Waddill, and  
23 got Exhibit 14, beginning Bates stamp 823?

24 THE DEPONENT: I believe so.

1 BY MR. DEAN:

2 Q. I want you to turn in that document  
3 to -- there's a PowerPoint in here that came from  
4 your hard copy files and it begins on page 843.  
5 Bates stamp 843.

6 A. Okay. Yes.

7 Q. Now, this is a PowerPoint prepared  
8 September 2nd, or it's dated September 2, 2010.

9 A. Correct.

10 Q. Do you see that?

11 A. Yes.

12 Q. Did you prepare -- did you prepare  
13 this PowerPoint?

14 A. Yes.

15 Q. Do you know what it was for, other  
16 than what it says?

17 A. No.

18 I mean, it says it's for the APOW  
19 meeting.

20 I don't remember what that is.

21 Q. What is the APOW meeting?

22 A. I don't remember what that is.

23 Q. Could it be the Annual Punt on the  
24 Water modeling?

25 A. I have no idea.

1           Q. If you turn two pages over to page  
2        845, there's some handwritten notes. I want to  
3        make sure I understand what they say.

4           A. Sure.

5           Q. Are you on that page?

6           A. Yes.

7           Q. Okay. You've got an Objective slide,  
8        and you've handwritten a note there. It says,  
9        Follow the NRC recommendation because it's there  
10      mentioned, they are qualified, or something to  
11      that effect.

12           Do you see that?

13           A. Yes.

14           Q. And then there's a typed note that --  
15           Do you see those two typed notes  
16      below this slide?

17           A. Yes.

18           Q. Did you type those notes?

19           A. I guess so. I don't remember.

20           Q. But the notes found in your hard copy  
21      file with that typed slide under it says, "NRC  
22      report is mentioned because they are a neutral  
23      party and it fits their mission to make  
24      recommendations in these situations."

25           Do you see that?

1           A. I do.

2           Q. So throughout the deposition you and  
3 I have talked a lot about ATSDR and a lot about  
4 the NRC. And I give you credit, your belief,  
5 right or wrong, is the NRC was completely  
6 impartial, the NRC is a neutral body. They are  
7 created by Congress, and they are a mission to  
8 provide sound policy recommendations to the  
9 federal government. Right?

10           MS. SILVERSTEIN: Object to form.

11           THE DEPONENT: Yes.

12           Some of that is -- represents what I  
13 said, but certainly not all of it.

14  
15           BY MR. DEAN:

16           Q. Understood.

17           But, I mean, have you ever met any of  
18 the people that were on the committee?

19           A. The NRC committee?

20           Q. Yes.

21           A. No. I did not meet any of them.

22           Q. Did you talk to any of them on the  
23 telephone?

24           A. Not that I recall, no.

25           Q. Did you have any e-mail

1           communications with any of them during their  
2           deliberation?

3           A.     Certainly not that I recall. I can't  
4           imagine that occurring.

5           Q.     Were you privy to any agreements or  
6           disagreements that were expressed during their  
7           deliberations? Did anybody provide you with  
8           information about how they did their work?

9           MS. SILVERSTEIN: Objection.

10          THE DEPONENT: Yeah. I certainly  
11        don't recall anything like that. I can't imagine  
12        it would have occurred.

13

14          BY MR. DEAN:

15          Q.     So how is it -- so -- so your belief  
16        that they are neutral and impartial is based on  
17        your historic understanding of what that group's  
18        mission is, because you, as a matter of fact,  
19        quote some from their mission.

20                  Is that fair?

21          A.     My understanding is based on the NRC  
22        mission, which you're right, I've quoted, and they  
23        are tasked with providing independent analysis for  
24        this kind of purpose.

25                  Also, based on their credentials,

they are the top scientists in their fields, and then also based -- and most significantly based on what they wrote, which was soundly scientific and impartial, and so all of those things give me confidence in the NRC.

Q. And you're not -- you're not aware, as you sit there today, of any inherent bias, any secret meetings, any conflicts of interest that were not made -- you were not made aware of? You're not aware of any of that, if it exists?

MS. SILVERSTEIN: Objection.

THE DEPONENT: No. I'm certainly not aware of that, and I can't imagine that would occur. And, you know, the --

BY MR. DEAN:

Q. If there was some inherent conflicts of interest not considered or ignored, if there were secret meetings between the Navy and NRC, and if there were some inherent biases of certain committee members that were pre- -- pre-expressed opinions against the ATSDR report before serving on that committee, would you then have reason to pause at the credibility of the NRC report?

MS. SILVERSTEIN: Objection.

1                   THE DEPONENT: I'm just saying that  
2 none of those things occurred, to my knowledge.  
3

4                   BY MR. DEAN:

5                   Q. What if they did, and I can prove it  
6 to you?

7                   A. I'm just not aware that they did.

8                   Q. Okay. When this information comes to  
9 light, I'll make sure you get a copy of that  
10 deposition transcript and you can be enlightened.  
11 Okay, sir?

12                  A. Sounds good.

13                   (Whereupon, Waddill Deposition  
14 Exhibit 15, Flights of Imagination; Intelligent  
15 Design; An essay on Intelligent Design from Salvo  
16 #65 in Headquarters; An Engineer Examines  
17 Darwinian Explanations; by Dan Waddill; Salvo  
18 Magazine; 6 pages, was marked for identification.)  
19

20                  BY MR. DEAN:

21                  Q. All right. Last thing. I always  
22 like to end on a good happy note, and out of  
23 curiosity, take a look at Exhibit 15.

24                  Let me know when you --

25                  A. Got it.

1           Q.    So how is it we can apply Darwinian  
2        explanations to civil engineering science?

3           Let me ask first of all, did you  
4        author this paper that was published in Volume 65  
5        of something called Salvo?

6           A.    I did.

7           Q.    And is Salvo, A Magazine of Society,  
8        Sex, & Science?

9           A.    I don't know that. I mean, I don't  
10      -- no, I don't see it that way.

11           I mean, if you found it, that's what  
12      they say of themselves, I don't dispute it. I  
13      just don't know.

14           Q.    Well, if you go to Salvo magazine dot  
15      com, Salvomag.com, under the "About" page, I was  
16      trying --

17           Actually, you know what? I can share  
18      that.

19           (Whereupon, a document was displayed  
20      via screen share.)

21  
22      BY MR. DEAN:

23           Q.    Can you see my page?

24           A.    Yes.

25           Q.    Did I read it correctly? It says

1           it's a magazine about society, sex, and science.

2           A.     Oh, yeah. Yeah. At the top, yeah.

3           Q.     So did you publish Exhibit 15?

4                       And it looks like it was published  
5                       the summer of '23, that article.

6           A.     Yes.

7                       And that falls under the science  
8                       section of their -- of their magazine.

9           Q.     And you stand by everything you said  
10               in this article?

11           A.     Yeah. I believe I do.

12                       (Whereupon, the document was removed  
13                       from screen share.)

14

15           MR. DEAN: All right. I do  
16               appreciate your time today.

17                       I'll pass the witness.

18                       I do want to put on the record that  
19               the witness has identified certain specific  
20               documents and attachments to documents that were  
21               produced in the Waddill hard copy production that  
22               have not been produced, and he also made reference  
23               to the files on his computer hard drive, his  
24               laptop, that are subject to Request for Production  
25               No. 7, and appended to the filed motion to compel.

1 To the extent those documents are ever made  
2 available, I would reserve the right to come back  
3 to this witness.

4                   But with that said, I pass the  
5 witness.

6                   MS. SILVERSTEIN: Let's take a short  
7 break before we ask any questions. It's been a  
8 while.

9                   MR. DEAN: That would be fine.

10                  THE VIDEOGRAPHER: We're going off  
11 the record at 4:15 p.m.

12                  (Whereupon, a recess was taken from  
13 4:15 p.m. to 4:27 p.m. EST.)

14  
15                  THE VIDEOGRAPHER: Back on the record  
16 at 4:27 p.m.

17  
18                  MS. SILVERSTEIN: Great. Just for  
19 the record, we are aware there are ongoing  
20 conversations regarding discovery.

21                  And, Kevin, we're happy to meet and  
22 confer on any discovery concerns that you raised  
23 earlier and look forward to written correspondence  
24 on the issue to discuss that.

1                   CROSS-EXAMINATION

2                   BY MS. SILVERSTEIN:

3                   Q.     Dr. Waddill, do you remember  
4                   receiving a litigation hold related to Camp  
5                   Lejeune at some point?

6                   A.     Yes.

7                   It would have been many years ago.

8                   Q.     And did you save or preserve your  
9                   documents related to Camp Lejeune after receiving  
10                  that hold?

11                  A.     Yes.

12                  I saved everything, and I -- I saved  
13                  everything related to Camp Lejeune regardless of  
14                  when the lit hold came. It might have been before  
15                  I started, but if it came -- I never threw  
16                  anything away associated with Camp Lejeune.

17                  Q.     Is that true for your electronic  
18                  documents also?

19                  A.     Yes.

20                  (Whereupon, Waddill Deposition  
21                  Exhibit 16, Dan W. Waddill, P.E., Ph.D.,  
22                  Curriculum Vitae, 4 pages, was marked for  
23                  identification.)

24                  MS. SILVERSTEIN: Okay. I am adding

1 to the folder Exhibit 16.

2                   Oh. Actually, I am not adding to the  
3 folder Exhibit 16. No. I don't have permission  
4 to upload files.

5                   THE COURT REPORTER: You can upload  
6 them to Zoom.

7                   MS. SILVERSTEIN: Yeah. I don't have  
8 the Zoom up.

9                   All right. Kevin, what do you want  
10 me to do for exhibits? I can't upload exhibits to  
11 the shared folder.

12                  MR. DEAN: You cannot upload.

13                  MS. SILVERSTEIN: I don't have  
14 permission.

15                  MR. DEAN: Well, imagine that.

16                  Do you want to screen -- do you have  
17 a hard copy or have you got them on a computer?

18                  MR. ANWAR: Go off the record?

19                  MS. SILVERSTEIN: Yeah. Can we go  
20 off the record?

21                  THE VIDEOGRAPHER: Going off the  
22 record at 4:30 p.m.

23                  (Whereupon, a recess was taken from  
24 4:30 p.m. to 4:33 p.m. EST.)

25

1                   THE VIDEOGRAPHER: We are back on the  
2 record at 4:33 p.m.  
3

4                   BY MS. SILVERSTEIN:

5                   Q. Okay. Dr. Waddill, I just handed you  
6 Exhibit 16.

7                   Is this your C.V.?

8                   A. Yes.

9                   Q. Did you draft this C.V.?

10                  A. Yes.

11                  Q. Does this C.V. accurately reflect  
12 your education, background, and work experience?

13                  A. Yes, through about 2014, which is  
14 when I drafted this C.V.

15                  I haven't been looking for a job, so  
16 I haven't updated it since then.

17                  Q. Okay.

18                  A. But it's accurate through,  
19 approximately, 2014.

20                  Q. Okay. I'll ask you some questions  
21 post-2014 --

22                  A. Okay.

23                  Q. -- so we can get an accurate picture  
24 of that --

25                  A. Okay.

1           Q. -- but I want to start with your  
2 education background, which is on the last page.

3                         Where did you get your bachelor's  
4 degree from?

5           A. Davidson College near Charlotte,  
6 North Carolina. I majored in mathematics.

7           Q. When did you graduate with that  
8 degree?

9           A. 1983.

10          Q. And it says here you had a 3.75?

11          A. Correct.

12          Q. And then did you earn a master's  
13 degree after that?

14          A. Yes.

15                         A master's degree at Virginia Tech.

16          Q. What did you study?

17          A. Crop and soil environmental sciences.

18                         Part of that degree, I was working on  
19 groundwater contaminant modeling.

20                         It was -- the environmental subjects  
21 cross over between departments, and so I completed  
22 my master's in 1994.

23          Q. What is crop and soil environmental  
24 sciences?

25          A. Well, it -- historically, it was

1                   called the agronomy department. So it was, you  
2                   know, related to growing crops for agriculture.  
3                   But as I said, they moved into the environmental  
4                   arena, and so it included that, and they changed  
5                   the name to make it more comprehensive.

6                   Q.     And you said you did some groundwater  
7                   modeling.

8                   Could you explain a little bit what  
9                   you did in your master's program?

10                  A.     I took courses, a couple of courses  
11                  in groundwater modeling and contaminant transport.

12                  One of the professors in that  
13                  department was, you know, a researcher in that  
14                  area.

15                  Q.     And when did you graduate with your  
16                  master's degree?

17                  A.     1994.

18                  Q.     And that was with a 3.97?

19                  A.     Yes.

20                  Q.     And after your master's, you earned a  
21                  Ph.D.?

22                  A.     Yes.

23                  Q.     Where was that from?

24                  A.     That was Virginia Tech, again.

25                  I switched into the civil engineering

1 department, and my emphasis was environmental. My  
2 dissertation focused on groundwater contaminant  
3 transport modeling.

4 Q. When you say groundwater contaminant  
5 transport modeling was your focus for your  
6 dissertation, can you explain what you mean?

7 A. Well, my dissertation was essentially  
8 developing a model to do that on the computer. It  
9 was called Scene 3-D.

10 My advisor, you know, was working in  
11 that area, and so it -- it looked at modeling  
12 contaminants and how they move in the subsurface  
13 and also how they biodegrade as they're moving.  
14 And so it was a computer model that captured those  
15 processes.

16 Q. What kind of contaminants did you  
17 focus on?

18 A. That one could do a range from the  
19 chlorinated solvents, which would include PCE and  
20 TCE, like at Camp Lejeune, and their breakdown  
21 products, but also the petroleum products like  
22 benzene, toluene, ethylbenzene, and xylene.

23 Q. You said you developed a model. Has  
24 anyone else used that model?

25 A. Some.

1                   My professor through Virginia Tech  
2                   set up a little, you know, corporation and sold  
3                   some copies of the model, and the proceeds were  
4                   split among the university and he and I. So it  
5                   was not a big moneymaker, but some people did buy  
6                   it, and I assume they used it.

7                   Q.     And when did you graduate with that  
8                   degree?

9                   A.     When?

10                  Q.     Yes.

11                  A.     1998.

12                  Q.     And that was, again, with a 3.97?

13                  A.     Yes.

14                  Q.     When you were studying for your  
15                  master's and Ph.D., was following the science of  
16                  the utmost importance?

17                  A.     Yes.

18                  And, you know, I think that, you  
19                  know, scientists have a position of privilege and  
20                  responsibility within society. I mean, we get to  
21                  work on interesting problems to the benefit of the  
22                  community, and it's our responsibility to do that  
23                  truthfully, you know, and diligently and tell  
24                  people truthfully what we know, but also be honest  
25                  about what we don't know.

1           Q.    Do you have any professional licenses  
2 or certifications?

3           A.    I'm a professional engineer. So  
4 that's the significant license for engineers.

5           Q.    What does it mean to be a  
6 professional engineer?

7           A.    Well, you pass a couple of exams.  
8 You have to have a certain amount of work  
9 experience, and then, you know, you get  
10 recommended from other people that you've worked  
11 with who are professional engineers.

12                 And at that point, you know, I'm  
13 registered with the State of Virginia, and you  
14 have the ability then to work independently as an  
15 engineer to review documents, stamp documents, and  
16 you're then responsible for those documents and  
17 information.

18           Q.    I want to talk about some of the  
19 roles that you've had since finishing your Ph.D.

20                 What was the first job that you had  
21 after earning your Ph.D.?

22           A.    I worked for a local consulting  
23 company, Anderson & Associates. I was a manager  
24 of environmental projects.

25           Q.    What did you do -- what kind of work

1 did you do at Anderson & Associates?

2 A. Well, it was, you know, just a  
3 variety of environmental projects.

4 One was, there was a jet crash in the  
5 mountains nearby, and we were involved in  
6 designing the cleanup of the fuel that spilled  
7 that was a result of that crash.

8 Q. Did you provide the technical support  
9 in that role?

10 A. Well, yes. I mean, yeah.

11 Q. How long were you at Anderson &  
12 Associates?

13 A. Two or three years.

14 Q. After leaving Anderson & Associates,  
15 where did you work?

16 A. I worked out west for a while -- that  
17 was not in an environmental field -- for about a  
18 year and then got the job with the Navy in 2000.

19 Q. Was that with NAVFAC?

20 A. Yes.

21 NAVFAC Southern Division in  
22 Charleston.

23 Q. And what was your position with  
24 NAVFAC Southern Division?

25 A. I was in the technical support branch

1           for the Environmental Restoration Program, and so  
2           that's where we clean up contaminated sites. And  
3           so I worked with many project managers at their  
4           site, and designing and negotiating with  
5           regulators over how those sites would be  
6           investigated and cleaned up.

7           Q.     Did -- while you were at NAVFAC  
8           Southern Division, did you provide technical  
9           support for cleanup projects?

10          A.     Yes. That was my -- that was my  
11           role.

12          Q.     As part of that role, did you do any  
13           water modeling?

14          A.     Not directly, but I worked with the  
15           model at Jacksonville.

16               That was a USGS model, I believe.  
17               But, you know, that was -- that was -- part of the  
18           work was working with that model.

19          Q.     What was your involvement with the  
20           Jacksonville model?

21          A.     Well, just, you know, the looking at  
22           the results and planning follow-on work and, you  
23           know, just basically -- the model was just one  
24           piece of the overall information that we used.

25               There were a lot of -- we'd take

1 samples, do investigation, and then, you know, put  
2 it all together to design a cleanup.

3 And then, of course, this is done in  
4 collaboration with the state and federal  
5 regulatory agencies.

6 Q. How was the water model for  
7 Jacksonville used?

8 A. It was a predictive model, predicting  
9 flow of contaminants into the future and when they  
10 might reach receptor. And so it helped us with  
11 planning, just to have a preliminary idea of, you  
12 know, when that might occur.

13 But, of course, we did not use that  
14 as a sole basis for decisions. We took samples  
15 and, you know, made sure that, you know, that --  
16 that we were making the right decisions for what  
17 was going on in the real world in the field.

18 Q. You mentioned that you also took  
19 samples. How -- how did that affect the use of  
20 the model?

21 A. Well, you know, depending on what the  
22 contamination is and where it is, we sample soil  
23 sediment. We do groundwater samples a lot with  
24 monitoring wells.

25 And, you know, any of that

1 information that's relevant to the model would be  
2 incorporated into it to -- to make it more  
3 accurate.

4 And, again, it was really USGS that  
5 was -- that was doing all of that. So I'm a  
6 little fuzzy on exactly how -- how we used it. It  
7 was a long time ago.

8 But, you know, basically it helped us  
9 with the planning, but everything was always  
10 verified with sampling in the field.

11 Q. Was the verification with sampling in  
12 the field an important part of the process?

13 A. Yes.

14 I mean, that's certainly the most  
15 important part of the process. And, you know, to  
16 be able to communicate what we want to do to the  
17 regulators, they -- you know, they always want to  
18 see samples, in my experience.

19 Q. How long were you at NAVFAC Southern  
20 Division?

21 A. Roughly, six years.

22 Left in 2006.

23 Q. And where did you go after 2006?

24 A. I came here to NAVFAC Atlantic in  
25 Norfolk.

1           Q.    Okay. It looks like here you were in  
2 environmental engineering technical support?

3           A.    Yes.

4                   So I was basically doing the exact  
5 same thing I did at Southern Division, it was just  
6 I was working out of this office. Had a different  
7 area of responsibility.

8                   So I started working bases in  
9 Virginia and the Northeast as opposed to the  
10 Southeast.

11                  But it was basically just the same  
12 kind of work, working with project managers,  
13 providing technical support for cleanup  
14 investigations, and remediation.

15                  Q.    Did you work on any water modeling  
16 projects?

17                  A.    Yes.

18                  Bethpage was a significant project  
19 that had water modeling associated with it.

20                  Q.    What was your role or your  
21 involvement with the Bethpage water modeling?

22                  A.    What happened was the model had been  
23 put together by Geraghty & Miller, a very  
24 reputable outfit, and it was predicting when  
25 contamination would reach water distribution wells

1       on Long Island. And so, you know, that was very  
2       important, because, you know, if contamination  
3       gets in the drinking water, there's, you know,  
4       potential exposure.

5                   And so, you know, the model made its  
6       predictions, and then just wisps of contamination  
7       started showing up earlier than expected. So I  
8       was asked, you know, as the Navy subject matter  
9       expert, to look at the model and see if there were  
10      any problems.

11                  And, you know, there were no problems  
12      with the model. And it just -- it's just that  
13      models are -- you know, there's only a degree of  
14      accuracy that you can achieve with such a model,  
15      and that's why, you know, we were also sampling,  
16      to ensure that what we knew -- that we knew what  
17      was going on in the field and that we could  
18      protect the water supply.

19                  But, you know, for preliminary  
20      planning, the model is a very useful tool.

21                  Q. If there was nothing wrong with the  
22      model, why did the sampling data not match the  
23      model?

24                  A. Well, it's just -- it's basically --  
25      there's an element of just unpredictability

1           associated with the movement of groundwater and  
2           with the movement of contaminants in groundwater.

3                 And, you know, you can do your best,  
4           but you just -- it's just they're -- the model  
5           predictions are only -- have limited accuracy.

6                 Q.    It looks like from your C.V., in May  
7           2007 you changed roles to engineering support  
8           section head, supervisory.

9                 A.    Yes.

10                Q.    What was that role?

11                A.    You know, basically, I was doing the  
12           same kinds of things. I was just a supervisor of  
13           a group. So I was promoted to supervisor.

14                 I continued in my technical support  
15           role, you know, the same as before.

16                 I would say my supervisor duties  
17           were, maybe, 10 percent of the work and the  
18           technical support would be the other 90.

19                 Q.    While you were in this engineering  
20           support supervisory role, did you work on any  
21           water modeling?

22                 A.    That's probably when the Bethpage  
23           work occurred. I had been promoted to supervisor  
24           when that was going on.

25                 I'm fuzzy on the dates. But, yeah.

1                   Q. Okay. And it lists here May 2007 to  
2 January 2010.

3                   Would that have been when the Camp  
4 Lejeune project was ongoing as well?

5                   A. Yes.

6                   I was pulled into Camp Lejeune, you  
7 know, early 2008, as best I recall. And, you  
8 know, I was, you know, regularly involved through  
9 2009, probably 2010, and then it started to slow  
10 down.

11                  But I did continue to be involved as  
12 needed, just once in a while, probably through  
13 2013, maybe a little later.

14                  But, yeah. 2008 is when the Camp  
15 Lejeune work started for me.

16                  Q. The next position that you list here  
17 is from January 2010 to February 2011, RCRA and  
18 hazardous waste branch head, supervisory.

19                  What is that role?

20                  A. I moved out of environmental cleanup  
21 and into the environmental compliance area.

22                  So what that involves is doing the  
23 planning and the execution needed to keep our Navy  
24 and Marine Corps bases in compliance with the  
25 various environmental laws.

1                   And so it's just -- it's a different  
2 aspect of the environmental work. And I did that  
3 for a year, a year and a half maybe, and then came  
4 back to restoration.

5                   Q. When you came back to restoration,  
6 was that for the Vieques restoration branch  
7 position?

8                   A. Yes.

9                   Q. Could you describe what you do in  
10 your current position?

11                  A. Sure.

12                  It's -- my group does technical  
13 support for the Navy and Marine Corps Munitions  
14 Response Program across the country.

15                  So it's the same kind of thing that I  
16 was doing for the chemical contaminants, it's just  
17 the explosive hazard is the focus.

18                  And so there's unexploded ordnance  
19 associated with ranges that have been used and  
20 closed, and that unexploded ordnance needs to be  
21 cleaned up. And so we provided technical support  
22 -- we do provide technical support for project  
23 managers across the country.

24                  And then we also manage directly here  
25 the cleanup of the Vieques bombing range, which is

1           the biggest project in the Navy Munitions Response  
2           Program. That's an island off the coast of  
3           mainland Puerto Rico.

4           Q. In your current role with the Vieques  
5           Restoration Program, do you spend any time working  
6           with chemical component cleanup?

7           A. Some.

8                         There's an element associated with  
9           munitions, you know. Chemical contaminants are --  
10           we still investigate and clean up as necessary,  
11           but the vast majority of that work is addressing  
12           the explosive hazard.

13           Q. And is this the -- have you had --  
14           been in this position, the Vieques position,  
15           continuously since 2011?

16           A. Yes.

17           Q. Have you held any other positions  
18           during that time?

19           A. Not officially.

20                         I was detailed for a couple of years  
21           unofficially to the Deputy Assistant Secretary of  
22           the Navy's Office for Environment and Mission  
23           Readiness. And I started out filling in for one  
24           of the deputy's people who had become seriously  
25           ill, and he asked me to fill in.

1                   And then, ultimately, I started  
2 working out at Red Hill for the closure plan that  
3 was -- that the Navy developed for closing the Red  
4 Hill fuel storage tanks.

5                   Q.    What did that -- that position --  
6 what did that role include?

7                   A.    Basically, you know, I put together a  
8 team to write the closure plan, negotiate with the  
9 regulators.

10                  We -- all of our products were  
11 reviewed, you know, by a lot of people, right up  
12 through the Secretary of Defense at first, and  
13 then, you know, subsequent documents, to kind of  
14 refine the process and work with other pieces.

15                  And so that -- that planning -- it's  
16 about a year and a half of that -- lays the  
17 foundation for how the Navy will close the tanks.

18                  And while we were doing our planning,  
19 the defueling team was getting the fuel -- well,  
20 planning and then removing the fuel from the  
21 tanks.

22                  Q.    As part of the planning for the  
23 closure at Red Hill, did you do any kind of  
24 assessment for chemical components or other  
25 contaminants?

1                   A. A site assessment is part of tank  
2 closure, so we did write a plan for that, but we  
3 did not do any fieldwork.

4                   There's a lot of fieldwork ongoing  
5 associated with that, but that was not part of  
6 what my group was doing. And there is some  
7 modeling associated with that work. But, again, I  
8 was not involved with that.

9                   Q. Okay. It also looks like you've  
10 received some awards and recognitions. There's a  
11 couple that I have a few questions about.

12                  A. Sure.

13                  Q. One of them is NAVFAC Leadership  
14 Development Program candidate.

15                  What is the leadership development  
16 program?

17                  A. It's a program that you apply for.  
18                  You have to be recommended by your  
19 supervisor and a higher-level manager, and there's  
20 an interview process, and if you're accepted --  
21 the idea is to train people to be better leaders  
22 for NAVFAC. And so there's various things that  
23 you do over a couple of years, including  
24 interviewing senior leaders, projects. There's  
25 training classes that you take, rotations. Like

1       one rotation I had was with the NAVFAC business  
2       manager in D.C.

3                   So you just get to see different  
4       aspects of how NAVFAC works with the idea of  
5       training future leaders.

6       Q.     Is it a competitive program?

7       A.     It's competitive.

8                   You fill out a recommendation and you  
9       get recommended, and they -- out of that pool,  
10      they select a certain number to interview and you  
11      go through the interview process to be selected.

12       Q.     And it says here -- and I know you  
13      said you haven't updated this in a while. It  
14      says, "Expected graduation 2014."

15       A.     Yes.

16       Q.     Did you graduate from that program?

17       A.     I did, yes.

18       Q.     Was that around 2014?

19       A.     Yes.

20       Q.     Okay. And then the other one I  
21      wanted to ask about is top 10 finalist for  
22      National Society of Professional Engineers,  
23      Federal Engineer of the Year.

24                   What is that?

25       A.     Well, that's a national program that

1                   the society runs.

2                   And when I was at the Southern  
3                   Division, my supervisor nominated me for that  
4                   award at the local Southern Division level.

5                   And so I was selected there, and then  
6                   went up -- you enter the pool for, I guess, for  
7                   NAVFAC-wide. It may be Navy-wide. And so I was  
8                   selected at that level, too, and became one of the  
9                   10 finalists.

10                  And, you know, we went up to D.C. and  
11                  there was, you know, a ceremony.

12                  Ultimately, I was not selected as the  
13                  winner, but it was just a big deal to just be in  
14                  the top 10.

15                  Q. Have you ever published any papers?

16                  A. I published several associated with  
17                  my Ph.D. research, and I have been a coauthor on  
18                  at least one, maybe a few other papers since I've  
19                  worked for the Navy. But my role with the Navy is  
20                  not to do research.

21                  I do work with researchers. I help  
22                  identify what the research needs are for the  
23                  program, and, you know, review reports, that kind  
24                  of thing, but I've not done research, really,  
25                  since I graduated.

1                   Q.    Okay.  For the papers that you  
2 published, as I understand before you were a part  
3 of the Navy or part of NAVFAC --

4                   A.    Yes.

5                   Q.    -- do you remember what those papers  
6 were about?

7                   A.    Well, one was about my dissertation,  
8 describing the development and application of that  
9 groundwater transport model.

10                  I also did, associated with my Ph.D.,  
11 laboratory work associated with how nonaqueous  
12 phase liquids move through the subsurface.

13                  So a nonaqueous phase liquid is  
14 something like dry cleaning fluid, PCE, which, you  
15 know, it's a -- it's a fluid that doesn't mix with  
16 water.  It's nonaqueous.

17                  And so gasoline is another, you know.  
18 When it spills, it doesn't mix with water, but it  
19 dissolves a little bit into water.  So lab work  
20 associated with that.  There was a paper or two  
21 coming out of that work.

22                  But it was all related to, you know,  
23 applications of modeling related to environmental  
24 spills and cleanup.

25                  Q.    Okay.  I know I'm asking you to

1 remember a long time ago, but do you remember any  
2 of the journals those were published in?

3 A. Journal of Contaminant Hydrology was  
4 one. Groundwater was one. Journal of  
5 Environmental Engineering, I believe, was one.

6 Those are the ones I remember.

7 Q. Were those peer-reviewed papers?

8 A. Yes.

9 Q. In addition to those papers, have you  
10 published any -- anything else?

11 A. No.

12 Just the one publication that Kevin  
13 brought up.

14 Q. Okay. And so you've spent, roughly,  
15 24 years with NAVFAC?

16 A. Yes. Yes.

17 Q. And is it accurate to characterize  
18 your work as working on environmental cleanup  
19 efforts at Navy or military installations around  
20 the country?

21 A. Yes.

22 Q. And have the environmental cleanup  
23 efforts you've worked on helped ensure that Navy  
24 and military installations are clean and safe for  
25 service members and their families?

1                   A. Yes.

2                   MR. DEAN: Object to the form of the  
3 question.

4                   THE DEPONENT: Yes.

5                   I mean, that's the primary focus, is  
6 to clean up sites and in the process be sure that,  
7 you know, everybody is safe and unaffected.

8                   And it also -- you know, also, it's  
9 not just Navy and Marine Corps installations.

10                  It's also closed installations, like Vieques, you  
11 know.

12                  Our work there is to keep the public  
13 safe while we're cleaning up the old bombing  
14 range, and we put a tremendous amount of effort  
15 into educating people into doing things in a way  
16 that the public is not exposed and not at risk.

17  
18                  BY MS. SILVERSTEIN:

19                  Q. During, you know, the past 24 years  
20 when you've been working on these cleanup efforts,  
21 is it important to you and your work that you  
22 follow scientific approaches in the cleanup  
23 efforts?

24                  A. Yes.

25                  I mean, that's -- that is something

1           that we all value highly and, you know, that we  
2           use data and scientific methods to design our  
3           approaches.

4                         And one aspect of being a  
5           professional engineer that they really, really  
6           emphasize is, -- you know, the engineering ethic  
7           of doing things the right way and not putting  
8           people in danger.

9                         Like, we have potential dangers from  
10          environmental hazards, but engineers that build  
11          bridges, say, you know, they have to do things the  
12          right way or, you know, a bridge can collapse --  
13          or a building.

14                         So that is a really, really big part  
15          of the engineering profession, and it starts in  
16          school and it just continues. So that's something  
17          that I value, and everybody that I work with, I've  
18          seen that they value it as well.

19                         Q.    I want to shift gears from talking  
20          about your background to talking about water  
21          modeling more specifically.

22                         Just to make sure we're kind of all  
23          on the same page, when we're talking about water  
24          modeling, what is water modeling?

25                         A.    It's -- it's a term that ATSDR used

1 to describe their work, and it's a good one, and  
2 their work had two aspects to it.

3                 One was the groundwater contaminant  
4 transport modeling. And, you know, that's what I  
5 did in graduate school and that's what I was  
6 focused on. It's how the contaminants, you know,  
7 get into the groundwater and how they move through  
8 it.

9                 But a big piece of ATSDR's work was  
10 when those contaminants reach a water supply  
11 well -- you know, it's pumped out of the ground,  
12 it's put into pipes, it goes through water  
13 treatment, it gets into more pipes, and it reaches  
14 people's homes and it comes out the tap. And what  
15 they want to know is -- at Camp Lejeune -- you  
16 know, they want to know what concentrations came  
17 out of the tap. So that second piece is very  
18 important. You might call it water distribution  
19 modeling.

20                 And so ATSDR appropriately used the  
21 term "water modeling" to encompass both of those  
22 pieces.

23                 Q. Okay. So if I say, like, groundwater  
24 modeling, that would apply to the transfer of  
25 contaminants in the groundwater?

1                   A. Not necessarily.

2                   There's also a water supply question  
3                   that groundwater modelers address, like the City  
4                   of Savannah and Hilton Head, cities that use  
5                   groundwater near the coast, they might use models  
6                   to determine how much water can I pump out of the  
7                   ground and still not have any saltwater intrusion.  
8                   And so there's no contaminants involved. It's  
9                   just water supply.

10                  So that is one aspect of groundwater  
11                  modeling.

12                  And if you throw in the contaminant  
13                  transport, it's how the contaminants move through  
14                  the groundwater.

15                  Q. Okay. What was your involvement with  
16                  the ATSDR Camp Lejeune water modeling work?

17                  A. Basically, I was asked, you know, by  
18                  -- and I don't remember specifically, but I  
19                  believe it surely must have been NAVFAC  
20                  headquarters who asked me to review a draft report  
21                  by ATSDR on their water modeling effort at Tarawa  
22                  Terrace, and that report was not yet complete, and  
23                  I think they made a presentation associated with  
24                  it.

25                  So, you know, I reviewed what ATSDR

1           had at the time and, you know, provided my  
2           comments to the Navy people, and then from there,  
3           you know, I ended up participating in meetings  
4           regularly for, I think it was, at least a couple  
5           of years, and, you know, providing that kind of  
6           technical input into their groundwater contaminant  
7           transport modeling. That was -- that was my role.

8           Q.     Did you provide comments on both the  
9           Tarawa Terrace modeling and the Hadnot Point  
10          modeling?

11          A.     Yes, but far more comments on Tarawa  
12          Terrace.

13                 You know, Hadnot Point was not -- I  
14          don't think that modeling effort had even started  
15          yet. And then my involvement was much, much less  
16          by the time Hadnot Point came around.

17          Q.     Did you -- when you say you provided  
18          technical support, what exactly do you mean?

19          A.     Well, I was -- you know, I was  
20          looking at what Tarawa Terrace -- I mean, what  
21          ATSDR reported, you know, they were doing with the  
22          model.

23                 And then, you know, the question is,  
24          you know, as a technical expert, what do you think  
25          of that? Is it a good approach? Do you have

1                   concerns?

2                   And so, you know, I did see concerns,  
3                   and I expressed those, and it became an ongoing  
4                   source of discussion for ATSDR for many meetings,  
5                   you know, over a year or two.

6                   Q. Who did you work with on the water  
7                   modeling?

8                   A. Mostly, you know, I worked with Kim  
9                   Parker Brown. She was at NAVFAC headquarters.  
10                  Scott Williams was the Marine Corps, you know. I  
11                  think those were the primary people that I worked  
12                  with.

13                  But as far as doing the evaluations,  
14                  you know, there really -- I was the technical  
15                  expert for the Navy, and we didn't have anybody  
16                  else. So, you know, I was essentially doing that  
17                  by myself.

18                  There were, you know, consultants who  
19                  were involved at times. But, you know, the real  
20                  -- most of the effort I was doing myself as far as  
21                  technical evaluation, but then meeting with people  
22                  regularly and talking about, you know, what it all  
23                  means and explaining to them what it means.

24                  Q. Do you remember who at ATSDR you  
25                  worked for?

1                   A. Morris Maslia was their head water  
2 modeler. And I never worked with him, but he was  
3 certainly at meetings and, you know, he -- he was  
4 the point of contact on that side.

5                   Frank Bove was a name I remember from  
6 many meetings. He was an epidemiologist.

7                   Q. When you say you didn't work with  
8 them but they were at meetings, were those the  
9 people at ATSDR that you communicated with?

10                  A. Yes.

11                  And, you know, ATSDR was doing their  
12 water modeling -- you know, they were doing it  
13 themselves, you know. I wasn't helping them at  
14 all or even involved in their decisions. It was  
15 just -- my role was, you know, evaluating what  
16 they were doing and presenting that evaluation to  
17 Navy folks and to ATSDR at meetings.

18                  And, you know, so I -- you know, I  
19 don't recall really communicating with anyone at  
20 ATSDR directly. That may have occurred once in a  
21 while, but, you know, by and large, it was just --  
22 you know, I was working with the Navy personnel  
23 and then participating in these larger meetings.

24                  Q. Okay. What is your understanding of  
25 how the ATSDR water modeling work was funded?

1                   A. As far as I know, the Navy funded it.

2                   It was -- you know, the Navy funded that work.

3                   Q. Do you know if after 2009, the Navy  
4                   continued to fund ATSDR work related to Camp  
5                   Lejeune?

6                   A. My understanding is yes, they  
7                   continued to fund that work for many years.

8                   And, you know, I sort of lost  
9                   contact, but they may still be. I just -- I don't  
10                  know about that. It's possible.

11                  But, yeah. That continued.

12                  Q. Based on your experience with water  
13                  modeling, what is water modeling generally used  
14                  for?

15                  A. Well, for -- you know, for  
16                  groundwater contaminant transport modeling, it's  
17                  generally used for planning purposes and the  
18                  predictions are run into the future.

19                  And as I said, you -- you take  
20                  samples and you be sure that you have real-world  
21                  measurements to verify what the model has said.

22                  But the model in that case can be  
23                  very useful just because you can plan. But you  
24                  would never let your plans depend on the model  
25                  alone. There would always be real-world samples

1           taken to verify and to be sure that you're doing  
2           things right.

3           Q.     Why -- why would you take real-world  
4           samples along the way to verify the model?

5           A.     Well, partly, you know, sampling and  
6           analysis of the samples, that's just part of the  
7           cleanup programs that we work under. And it's  
8           those samples that drive decisions, that drives  
9           how we do the cleanup.

10           You know, the samples are the  
11          drivers, you know. A model can be useful as far  
12          as planning, but the model would not be driving  
13          decisions. Certainly, not alone. It might help  
14          guide where you take samples.

15           But, you know, the sampling is just  
16          an essential part of the cleanup program.

17           Q.     How did ATSDR use water modeling?

18           A.     Well, the -- what they described at  
19          their -- in their draft report was that, for the  
20          epidemiological studies that they wanted to do,  
21          they needed monthly concentrations of contaminants  
22          that people were exposed to, going back --  
23          starting in the '80s and going back through the  
24          '70s and the '60s and the '50s. So it's unusual.

25           You know, typically models are

1 predicting the future. This one is trying to  
2 reconstruct the past. And it may have been done  
3 at other places, but the only one I'm aware of is  
4 the ATR's work at Camp Lejeune.

5 The difficulty, of course, if you're  
6 trying to reconstruct the past with a model, is  
7 that you cannot go back into the past to take  
8 samples. You know, when you're predicting into  
9 the future, you can always take samples and be  
10 sure that the model is actually helping you rather  
11 than giving some erroneous results.

12 But if you -- if you're hindcasting  
13 or trying to recreate the past, you can't check  
14 the model. There's no way to check it. If you  
15 don't have data, you can't go back.

16 Q. Why would the ability --

17 MR. DEAN: I'm sorry.

18 Can you hear me?

19 MS. SILVERSTEIN: Yeah. We can hear  
20 you.

21 MR. DEAN: Can you hear me?

22 I'm sorry. I made an objection to  
23 the form of the question on that last question,  
24 but my speaker wasn't working. So please make a  
25 note, I object to the form of that last question.

1                    You may continue.

2                    Also, it was nonresponsive, by the  
3 way.

4

5 BY MS. SILVERSTEIN:

6                    Q. Why is the -- why does it matter  
7 whether or not -- why does it matter that you  
8 can't go back into the past and take historical  
9 samples?

10                  A. Well, you know, groundwater  
11 contaminant transport modeling is not accurate  
12 enough to produce results that can support health  
13 studies if you can't check it.

14                  You know, if -- like the situation at  
15 Camp Lejeune was, they had real-world samples in  
16 the 1980s. They used all of the sample data to  
17 calibrate the model, and so they had no additional  
18 data to compare to the '50s, '60s, and '70s, and  
19 that's the same frame of interest.

20                  And so the model is just sort of out  
21 there on its own with no support. And, you know,  
22 models are just not accurate enough to be used in  
23 that way.

24                  Q. Is it possible to validate the  
25 results of a groundwater transport model without

1 historical data samples?

2 A. Well --

3 MR. DEAN: Objection to the form.

4 MS. SILVERSTEIN: Kevin, for -- for  
5 what reason, so I can rephrase my question?

6 MR. DEAN: Object to the form.

7 That's all I have to provide as far as the nature  
8 of my objection.

9 MS. SILVERSTEIN: Okay. I'm just  
10 wondering --

11 MR. DEAN: The question --

12 MS. SILVERSTEIN: -- what the reason  
13 is so I can rephrase my question to make sure the  
14 form is proper.

15 MR. DEAN: He's your witness. You're  
16 leading him and have been for an hour.

17 MS. SILVERSTEIN: Okay.

18

19 BY MS. SILVERSTEIN:

20 Q. Okay. Is it possible to validate the  
21 results of a water model without historical data?

22 A. Well, you know, if -- the way  
23 validation works is, you know, you use a certain  
24 portion of the data to calibrate the model and  
25 that involves adjusting the inputs, the model

1           inputs, such that your model output matches the  
2           real-world data as best as you can do it. And  
3           ATSDR did that at Camp Lejeune, but they only had  
4           data in the '80s.

5                         So validation involves, you take your  
6           calibrated model and you don't change the inputs  
7           anymore. That would be forbidden. That would be,  
8           you know, biasing the results.

9                         So you take your calibrated model,  
10          you stick with the inputs that you have, and you  
11          run -- in this case they're running the model into  
12          the past.

13                         Now, validation would be you have to  
14          have another data set during a different  
15          timeframe, and you compare the model output with  
16          the different data set that you have. And so if  
17          -- if you're running the model into the past and  
18          the data aren't available, then they never will be  
19          available. And so your model is, and the ATSDR  
20          was, unvalidated. They were not able to validate  
21          it.

22                         Q.     You've mentioned calibration a couple  
23          of times. What does it mean to calibrate a model?

24                         A.     Well, when you -- when you apply a  
25          model, you need various inputs.

1           There are things like -- you know,  
2        how big is the site? Where did the -- where was  
3        the source of contamination? Where are the  
4        receptors? Like, the water supply wells.

5           What's the pumping rate for the water  
6        supply wells? When did they come on and off?

7           And then you have to know soil  
8        properties. Like the hydraulic conductivity of  
9        the soil describes how fast water might be able to  
10      move through the soil, and it varies a lot.

11        You have to describe the contaminant  
12      properties.

13        So there are all these inputs that  
14      you need to provide, and some of them are  
15      difficult to measure or you can't measure them  
16      directly, and so the calibration step is just --  
17      in order to improve the model accuracy, you -- you  
18      use measured values. You go to literature, you  
19      look up values, and you take your best shot at the  
20      input numbers. And then you run the model and you  
21      compare the output -- in this case it would be the  
22      concentrations, to the measured concentrations  
23      that you have in the 1980s for Camp Lejeune.

24        And then you tweak the inputs and run  
25      the model again, and you keep tweaking until you

1           get the best fit that you can get, you know,  
2           between the model and the real world.

3                   And so, you know, that's what helps  
4           build confidence that the model -- that the model  
5           inputs are what you want them to be.

6                   But then, you know, as I've said, the  
7           really important step is to validate that  
8           calibrated model against another data set, to see,  
9           you know, how do your model outputs match the real  
10          world, because if the model doesn't match the real  
11          world, then it's of no value. Because we don't --  
12          you know, people are exposed to real-world  
13          concentrations. It goes without saying, really,  
14          but...

15               Q. Did you have concerns about the ATSDR  
16          Tarawa Terrace water model?

17               A. Yes. Yes.

18               Q. What concerns did you have?

19               A. Well, starting with the calibration,  
20          there was -- the difficulty with the calibration.

21                   You know, they were adjusting the  
22          parameters as best as they could. But at the  
23          water supply wells, the majority of the wells,  
24          they could not make the model predictions come  
25          within the calibration range that they had chosen.

1                   So they just couldn't get the model  
2                   to match up very well with the real world during  
3                   calibration, and that suggests that there's some  
4                   process that the model is just not capturing, and  
5                   you don't really know what it is. You just know  
6                   that it's not working out. It's not matching up,  
7                   despite your best efforts to adjust the input  
8                   parameters. So that's a concern.

9                   The bigger concern is, though, that  
10                  there's no validation data. So when they run that  
11                  model into the past, the model is just  
12                  unvalidated. And there's no check between the  
13                  model output and the real world for over three  
14                  decades, and those are the decades of interest.

15                  Q. Did you raise these concerns with  
16                  anybody?

17                  A. Yes.

18                  I certainly expressed them at first  
19                  to Navy and Marine Corps folks, and then, you  
20                  know, brought it to the attention of ATSDR in  
21                  numerous meetings.

22                  Q. Within the relationship between the  
23                  Navy and ATSDR, was that the appropriate way to  
24                  raise the concerns?

25                  A. I believe so, yes.

1                   I mean, you know, these were  
2 regularly scheduled, ongoing meetings to try to,  
3 you know, work together as well as possible.

4                   Q.    Was ATSDR using a groundwater model  
5 together with the water distribution model?

6                   A.    Yes.

7                   They did do the modeling of the  
8 distribution system. I didn't really evaluate  
9 that. I'm not as familiar with that.

10                  I am aware that they had issues with  
11 just not knowing when the supply wells were coming  
12 on and off and what the pumping rates were, you  
13 know. That information, in many cases, is  
14 unknown.

15                  And sometimes, like the piping and  
16 the valves, when valves were opened and closed,  
17 that information was unknown. And, of course,  
18 that affects how the water distribution goes.

19                  But I -- you know, other than kind of  
20 hearing about the issues that they were facing, I  
21 did not evaluate that work.

22                  Q.    Okay. Based on your experience with  
23 groundwater, with water modeling generally, do you  
24 know whether it's common to do the two types of  
25 water modeling together?

1           A. You know, I don't think it is.

2                         There's certainly nothing wrong with  
3                         it.

4           Q. Okay.

5           A. And, you know, it's -- it would be  
6                         what you want.

7                         You know, it depends on what the  
8                         receptor is. Like the receptor might be  
9                         discharged to a water body, and, you know, a  
10                         groundwater well there would be representative and  
11                         you wouldn't -- there would be no distribution to  
12                         model.

13                         But in this case, I think, you know,  
14                         having that portion of it was appropriate.

15           Q. Okay. Does having the two types of  
16                         water models together affect the uncertainty  
17                         analysis at all?

18           A. Well, it -- there's uncertainty  
19                         associated with both pieces. And, you know, it's  
20                         certainly incumbent upon the modelers to express  
21                         that uncertainty clearly to the stakeholders.

22           Q. Okay. When you raised your concerns  
23                         about calibration and model validation to ATSDR,  
24                         what kind of response did you receive?

25           A. You know, it was negative and some

1 meetings were contentious. And, you know, they  
2 didn't like to hear what I was saying. Because,  
3 you know, basically, I was -- you know, I was  
4 saying that the model results were not valid and  
5 were not appropriate to use for the EPI studies,  
6 that these monthly concentrations that they needed  
7 were just more than the model could produce with  
8 any kind of accuracy.

9 (Whereupon, Waddill Deposition  
10 Exhibit 17, Letter from B.P. Harrison, MPA, P.E.,  
11 to Thomas Sinks, Ph.D., National Center for  
12 Environmental Health/Agency for Toxic Substances  
13 and Disease Registry; June 19, 2008; with  
14 attachment, Assessment of ATSDR Water Modeling for  
15 Tarawa Terrace; CLJA\_2019ATSDR04-0000002372-2379,  
16 was marked for identification.)

17  
18 BY MS. SILVERSTEIN:

19 Q. I'm handing you Exhibit 17.  
20 Exhibit 17 ends in -- is  
21 Bates-stamped 2019ATSDR042372.

22 If you look at the top, right-hand  
23 corner, do you see that this is a letter dated  
24 June 19, 2008?

25 A. Yes.

1                   Q.     And it's addressed to Thomas Sinks,  
2 Ph.D.?

3                   A.     Right.

4                   Q.     Do you know who Dr. Sinks is?

5                   A.     Well, you know, he was leadership  
6 with ATSDR.

7                   Q.     Okay. On the second page, the letter  
8 is signed B.P. Harrison.

9                   Who is B.P. Harrison?

10                  A.     Brian Harrison was the head of the  
11 Environmental Restoration Program for NAVFAC in  
12 Washington, D.C.

13                  Q.     And under "Copy to," it lists NAVFAC  
14 Atlantic, D. Waddill.

15                  Is that you?

16                  A.     That's me, yes.

17                  Q.     Are you familiar with this letter?

18                  A.     Yes.

19                  Q.     Did you contribute to writing the  
20 body?

21                  A.     Not to writing the body of the  
22 letter, but to writing the attached assessment. I  
23 wrote that.

24                  Q.     By "the attached assessment," are you  
25 referring to "Assessment of ATSDR Water Modeling

1 for Tarawa Terrace"?

2 A. Yes.

3 Q. And does this letter accurately  
4 reflect the Navy's activities and views of working  
5 with ATSDR on the Camp Lejeune water modeling?

6 A. The letter itself?

7 Q. The letter and attached assessment.

8 A. Yeah.

9 I think -- I think it does. In  
10 particular, you know, the letter, he says -- he  
11 reiterates continued support for working with  
12 ATSDR. And I think that's always the way we  
13 wanted it to be, to look for ways to cooperate  
14 best.

15 The -- you know, there were some  
16 concerns, but the idea at this point was, you  
17 know, we're -- we just want to work with you to,  
18 you know, make improvements, and with the goal of,  
19 you know, supporting the health of our personnel.

20 You know, what -- what we want more  
21 than anything is, you know, good science,  
22 scientific information that's accurate, that helps  
23 our people get the right -- be healthy.

24 And so, you know, that's -- that's  
25 the goal expressed in the letter.

1                   The document that I wrote expresses,  
2                   I think, accurately our concerns at that time.  
3                   And, you know, we were just getting started, so  
4                   there were questions that we didn't know the  
5                   answers to yet.

6                   But this, you know, raises the basic  
7                   issues, and, you know, more information certainly  
8                   followed.

9                   Q.    On the page ending with Bates 2376,  
10                  you talk about ATSDR performing a sensitivity  
11                  analysis.

12                  What is a sensitivity analysis?

13                  A.    It's where the -- you determine how  
14                  important certain of the input parameters are.

15                  Like, some -- some of the input  
16                  parameters, if you change them a little bit, the  
17                  model output might change a lot, so you say the  
18                  model is very sensitive to that parameter.

19                  Others, you can change them and the output doesn't  
20                  change very much, so it's not very sensitive.

21                  So, you know, associated with that,  
22                  you know, they did a probabilistic analysis of,  
23                  you know, repeated runs of the model in which  
24                  input parameters were varied, and then they  
25                  compared how the various runs of the model

1                   compared with each other. And so that gives you  
2                   an idea of how precise the model is, you know, how  
3                   well do different model outputs agree with one  
4                   another.

5                   It's all -- it's done within the  
6                   model world. There are no comparisons to the real  
7                   world for either the sensitivity analysis or the  
8                   probabilistic one.

9                   Q.     Does the sensitivity -- what does the  
10                  sensitivity analysis tell you about the validity  
11                  of a model?

12                  A.     You know, really nothing, because,  
13                  you know, it's not part of -- it's not the model  
14                  validation step.

15                  You know, when we're talking about  
16                  model validation and model accuracy, what we want  
17                  to know is how well does the model match the real  
18                  world, and that's the most important question.

19                  When we're talking about the kinds of  
20                  things that they did with, you know, running the  
21                  model repeatedly and seeing how it behaves and how  
22                  different outputs compare to one another, that's  
23                  all within the model world. And so, you know, it  
24                  can be useful in telling you how the model itself  
25                  behaves, but it doesn't tell you anything about

1 how your model matches the real world.

2 Q. And for my understanding, this was a  
3 concern -- was this a concern that you raised to  
4 ATSDR?

5 A. Well, we talked about it.

6 And there's no concern with doing  
7 this work per se, it's just the concern is that  
8 these results not be represented as showing that  
9 the model is accurate or as showing that the model  
10 provides a good match to the real world, because  
11 that's not what this does, and it can be easily  
12 confused.

13 So it's important to clarify the  
14 difference and to communicate that effectively.

15 Q. Okay. Did your assessment, this  
16 assessment, raise any concerns about the  
17 calibration of the Tarawa Terrace model?

18 A. Yeah.

19 Just the ones that I expressed about,  
20 you know, they couldn't bring the model into the  
21 calibration range in many cases.

22 And if you look at the last page,  
23 2379, at the bottom, these graphs represent model  
24 calibrations.

25 The circles are the observed

1 real-world concentrations and the lines are the  
2 model-predicted concentrations, and these are at  
3 five of the water supply wells.

4 And it's just -- you know, the model  
5 is not corresponding very well to the circles, and  
6 that's -- you know, that's -- that's an issue. It  
7 makes you think the model is -- is not capturing  
8 something correctly.

9 Q. After you raised concerns about model  
10 calibration, what changes do you recall ATSDR  
11 making?

12 A. I'm not sure they changed anything.

13 I mean, they did say that they felt  
14 the calibration was successful, and to me this  
15 shows that it was not. But I think they -- I  
16 believe they stuck with that. And if they made  
17 changes, I don't recall what they were.

18 Q. Did you raise concerns in the  
19 assessment about the validity of the Tarawa  
20 Terrace model?

21 A. I'm sure I must have.

22 If I didn't raise it here, I  
23 certainly raised it soon.

24 Q. If you look at page 2375, the second  
25 full paragraph.

1                   It says, "Furthermore, all of the  
2 measured concentrations were used during model  
3 calibration, leaving no data available for model  
4 validation. As a result, the Tarawa Terrace model  
5 was not validated."

6                   A. Okay.

7                   Q. Is that -- did I read that correctly?

8                   A. Yes.

9                   And so yes, I definitely did raise  
10 that validation concern here.

11                  Q. After you raised the validation  
12 concern with ATSDR, what changes or modifications  
13 did ATSDR make regarding validation?

14                  A. Well, for that one, it's really not  
15 possible to change anything because, you know, the  
16 change that you need is to have a validation data  
17 set, and they just didn't have it. And when it's  
18 in the past, you can't get it. You know you can't  
19 measure concentrations from the past.

20                  So, yeah. They were not able to make  
21 changes to address that concern.

22                  Q. What were your recommendations for  
23 ATSDR regarding the Tarawa Terrace model?

24                  A. Well, at this point our  
25 recommendations were -- you know, this was

1                   preliminary.

2                   There -- you know, it was just  
3                   improved communication, talking about presenting  
4                   the uncertainty, recommended an expert panel,  
5                   which they did do.

6                   One of the recommendations was just  
7                   finalize the remaining sections of the report,  
8                   because it wasn't all finished yet.

9                   And then, you know, to take any  
10                  lessons learned from Tarawa Terrace into the  
11                  Hadnot Point scope of effort, which was, you know,  
12                  in the distant future still at this point.

13                  Q.    You said these were kind of  
14                  preliminary.

15                  Do you recall additional  
16                  recommendations that you had for ATSDR related to  
17                  the Tarawa Terrace model?

18                  A.    Well, ultimately, you know, in  
19                  conjunction with the NRC, you know, we were saying  
20                  that, you know, the -- the monthly concentrations  
21                  are not accurate enough to be used in EPI studies;  
22                  and, you know, that given the complexity of the  
23                  site and the -- you know, the need to make  
24                  assumptions that you can't verify and the lack of  
25                  data to do data validation, that those historic

1           concentrations just simply cannot be  
2           reconstructed. That was our position, and, you  
3           know, the NRC said the same things.

4           Q. To the best of your recollection, did  
5           ATSDR incorporate any of your recommendations?

6           A. You know, as far as I know, they went  
7           ahead with EPI studies.

8                 You know, I did see one of their  
9           epidemiological studies. I think they did others.  
10           I don't recall looking at them.

11           And then they also were planning to  
12           do a mortality study, which they did do.

13           THE COURT REPORTER: When you get to  
14           a stopping point, can we take a break? We've been  
15           going about an hour and a half.

16           MS. SILVERSTEIN: Yeah. We can take  
17           a break.

18                 Yeah. We can take a break now. Now  
19           is good.

20           THE VIDEOGRAPHER: Going off the  
21           record at 5:41 p.m.

22                 (Whereupon, a recess was taken from  
23           5:41 p.m. to 5:50 p.m. EST.)

24           THE VIDEOGRAPHER: Back on the record

1 at 5:50 p.m.

2

3 BY MS. SILVERSTEIN:

4

5 Q. Dr. Waddill, do you remember sitting  
6 on an expert panel related to the water modeling  
7 at Camp Lejeune?

8

A. Yes.

9

Q. Do you remember around when that was?

10

A. Not exactly. Probably, 2009-ish.

11

Q. Does April 2009 sound right?

12

A. Yeah. I mean -- yeah, but I don't  
really remember. Yeah.

13

Q. Okay. Why did you participate in the  
14 expert panel?

15

A. Somebody must have asked me to do it,  
16 and I -- so I wrote an opening statement and just  
17 brought up some questions for the panel to  
18 consider during the day.

19

Q. What do you remember about what you  
20 said during the expert panel?

21

A. Well, you know, not much. It -- but  
22 I read from a prepared statement, I believe.

23

And it was, you know, just asking  
24 them to consider some of the issues that we've  
25 been talking about, you know, accuracy versus

precision, and, you know, is the model capable of producing monthly concentrations that would work for an epidemiological study.

4 So just to kind of consider these  
5 fundamental questions.

6                   Q.     What kind of -- when you say "these  
7 fundamental questions," are you referring to  
8 whether the model can work for an epidemiology  
9 study?

10 A. Yes.

11 Like the issues we've been talking  
12 about, you know, the validation, all of that. The  
13 lack of data.

14 Q. Did you bring those questions to the  
15 expert panel?

16 A. Yeah.

17 I just asked them to consider these  
18 questions.

19 Q. To your recollection and knowledge,  
20 did ATSDR incorporate or address these questions?

A. No. I don't recall that they did.

22 I mean, they had -- you know, they --  
23 they were running the meeting. They had their own  
24 agenda. And, you know, it just --- really, the  
25 discussion never got around to the issues that I

1 had brought up.

2 Q. Are you aware of any changes that  
3 ATSDR made to their approach to the water modeling  
4 following the expert panel?

5 A. I don't recall any, but they very  
6 well could have. I just don't -- I don't know.

7 Q. I want to talk briefly about the NRC  
8 report.

9 What is your understanding of the  
10 findings of the NRC report?

11 A. Well, I think fundamentally, the real  
12 meaty issues that they raised were, you know,  
13 concluding that the Tarawa Terrace modeling --  
14 well, the situation was such that really a  
15 qualitative evaluation was called for, rather than  
16 a quantitative one, and you could categorize  
17 people as exposed or unexposed but not give a  
18 monthly concentration that they were exposed to.

19 They also clearly stated that, you  
20 know, given the lack of data, the complexity of  
21 the site, it's impossible to recreate those  
22 historical concentrations accurately.

23 And, you know, significantly, too,  
24 they raised the concern that if -- if you do that,  
25 you run the risk of doing harm, because the

1           results are unvalidated and inaccurate, and so you  
2           mislead people into thinking that that's what's  
3           actually happened, when, in fact, it's -- and  
4           these were their words -- that, you know, the  
5           erroneous results, you know, lead to, you know,  
6           implication, a false implication or exoneration of  
7           the model exposures.

8                         So, you know, it makes you think you  
9           were exposed when you weren't or you were. You  
10           know, it just -- and -- and that's just not good  
11           for -- you know, that's not what we want for our  
12           personnel. We want them to have good, accurate  
13           information to make good health decisions.

14                         And so, you know, those -- those were  
15           significant concerns that the NRC report raised.

16                         Q.     Do you agree with the concerns that  
17           were raised in the NRC report?

18                         A.     Yes.

19                         I mean, certainly those that they  
20           raised about the water modeling. They also  
21           covered a lot of other ground, like EPI studies  
22           and other things that I don't have an opinion on  
23           because I didn't really focus on that. I'm not an  
24           expert.

25                         Q.     Okay. So as it relates to the water

1 modeling --

2 A. Yes.

3 Q. -- do you agree with the NRC's  
4 findings?

5 A. Yes. Yes.

6 Q. Do you -- in your opinion, did the  
7 ATSDR water modeling efforts for Tarawa Terrace at  
8 that point, and Holcomb Boulevard, reliably  
9 estimate the concentration of contamination in the  
10 water at Camp Lejeune from 1953 to 1987?

11 A. No. It did not accomplish that.

12 Q. Do you have an opinion as to whether  
13 ATSDR water modeling followed the scientific  
14 approach -- followed a scientific approach?

15 MR. DEAN: Objection. Object to the  
16 form of the question.

17 THE DEPONENT: You know, I do not  
18 think their results were scientifically valid,  
19 because, you know, science needs to be based on  
20 real-world observation and analysis. That's the  
21 first thing, and there were just not enough  
22 real-world measurements for this to count as a  
23 scientifically valid approach.

24 The other thing that's fundamental to  
25 science is that if you have a hypothesis, it has

1 to be testable and it has to be a hypothesis that  
2 can succeed or fail. And the -- you know, the  
3 idea that the model reconstruction of those  
4 three-plus decades, '70s, '60s, '50s, there's just  
5 no way to test that. There's no data to test it  
6 against. So it's not a testable idea.

7 There's no way it can fail. You can  
8 say it's successful, but you can't -- you can't  
9 justify that claim.

10 And so for those two reasons, I just  
11 -- I just don't think it's a scientifically valid  
12 approach.

13 MS. SILVERSTEIN: Okay. I have no  
14 further questions for you, Dr. Waddill.

15 Thank you for your time today.

16 THE DEPONENT: Sure.

17 MS. SILVERSTEIN: And, Kevin, if you  
18 have --

19 MR. DEAN: Okay. Oh, yeah. I've got  
20 quite a few questions, so let's rock and roll.

22 REDIRECT EXAMINATION

23 BY MR. DEAN:

24 Q. Dr. Waddill, during the break that we  
25 took between my questions and questions from the

1                   Department of Justice, did you have an opportunity  
2                   to talk to them?

3                   A. I did not have an opportunity, and I  
4                   did not talk to them.

5                   Q. Did you talk to them at lunch about  
6                   any of the questions that they may ask you about  
7                   after my questions?

8                   A. No.

9                   Q. Did you discuss your testimony  
10                  yesterday with them with regards to some of the  
11                  questions that were asked of you this afternoon?

12                  MS. SILVERSTEIN: Objection. That's  
13                  privileged.

14                  Don't answer that.

15                  MR. DEAN: I don't think that is  
16                  privileged, for me to ask a witness about whether  
17                  or not the same questions that were asked today  
18                  were discussed yesterday in planning for your  
19                  testimony.

20                  MS. SILVERSTEIN: Discussions about  
21                  -- questions about what we discussed during our  
22                  prep sessions are privileged, and I am instructing  
23                  Dr. Waddill not to answer.

24                  MR. DEAN: Okay. Make sure we're  
25                  clear. I wasn't asking about the general nature

1 of the conversations. I was asking about whether  
2 or not he was asked and you all discussed the  
3 specific questions that you've now got on the  
4 record for purposes for your preparation  
5 yesterday, and I understand you've instructed him  
6 not to answer, so we'll move on.

7

8 BY MR. DEAN:

9 Q. Now, Dr. Waddill, if I remember  
10 correctly, you said your thesis -- and I agree  
11 with you, there's two components to water  
12 modeling. You can describe it differently, but  
13 some people say it's the belowground and the  
14 aboveground modeling; one's safe transport below,  
15 and the other one's the mixing or the  
16 distribution, I guess you could say. Right?

17 A. Yes.

18 Q. And your thesis and your Ph.D. is on  
19 which, below or above?

20 A. Below.

21 My dissertation was on contaminant  
22 transport in groundwater.

23 Q. All right. Now, the -- and we don't  
24 have to go through them specifically, and I think  
25 a lot of them are in the Harrison 2009 letter, but

1       your criticisms of ATSDR and that -- many that  
2       you've discussed today either with me or with  
3       counsel for DOJ, those criticisms you have of the  
4       ATSDR water modeling to which you're testifying  
5       today involved both criticisms of safe transport  
6       belowground and distribution aboveground?

7           A.    Well, I've stated that my focus was  
8       on the belowground, and that's really --

9                   Like, for example, the letter that  
10      Mr. Harrison sent, you know, my focus was entirely  
11      belowground, at least as much as I can remember.

12                  I did say that the distribution  
13      system modeling is not my area of expertise, and I  
14      do recall ATSDR describing some of the  
15      difficulties they were having and some of the  
16      unknowns, but I did not really address that aspect  
17      of the water modeling.

18                  Q.    Okay. Fair enough.

19                  Now, you have described to me that  
20      you've been with NAVFAC only about four -- well, I  
21      say four or five. I know there were probably  
22      multiple projects for each of these locations.

23                  But have you authored and been the  
24      primary or lead investigator for any previous  
25      water modeling projects similar to what we've been

1 talking about today?

2 MS. SILVERSTEIN: Object to form.

3 THE DEPONENT: I mean, I've -- you  
4 know, as stated, I was not the lead water modeler  
5 for any of these projects that we've discussed.  
6 My role was either in, you know, how do we apply  
7 the model or how do we evaluate model performance.  
8 That was my role.

9

10 BY MR. DEAN:

11 Q. I mean, isn't it true that in all the  
12 work you've done for NAVFAC, which has been  
13 commendable, but it's been basically in a  
14 consulting role, reviewing what's been previously  
15 done by somebody else and critiquing that work or  
16 trying to suggest improvements to that work. Is  
17 that fair?

18 A. No.

19 That's -- that would be fair to  
20 describe my role with respect to the three  
21 groundwater modeling projects that we discussed,  
22 but overall, no, that's not correct.

23 Q. But you've not led a team and  
24 conducted an in-depth document-mining effort,  
25 analyzing the underground storage tanks, doing all

1           the work that was done at Camp Lejeune, and then  
2           writing a peer-reviewed paper about it. That's  
3           not something that was in your purview of history,  
4           at least today?

5           A. Well, you know, I've written many  
6           documents that have been reviewed, right up to the  
7           Secretary of Defense. So, yeah.

8           Q. Well, I'm not talking about memos.

9           A. They don't apply to --

10           No. I'm not talking about memos,  
11           either.

12           You know, very lengthy and in-depth  
13           documents. And, you know, I've prepared countless  
14           of those.

15           I'm just saying that, with respect to  
16           the three groundwater contaminant transport  
17           projects that we've talked about, I did not have  
18           that kind of a role. You know, my role was to  
19           evaluate.

20           Q. Okay. That's what I'm trying to get  
21           you and I on the same page.

22           Your role historically in all these  
23           various projects is to evaluate, improve,  
24           critique, make suggestions to make the work  
25           better, in your view. Right?

1           A. I'm taking issue when you say, "all  
2 these various projects." You know, I'm only  
3 talking about the three.

4                         You know, in my career I have --

5           Q. Okay.

6           A. -- written many, many in-depth  
7 documents, lengthy, and they have been thoroughly  
8 reviewed by others.

9           Q. Right.

10                  But what I'm saying is, other than  
11 those three involvements, those are the only three  
12 involvements you have had in water modeling  
13 predictive analysis.

14           A. Those are certainly the most  
15 significant ones, yeah.

16           Q. Okay. Now, is there some reason that  
17 you forgot to tell the Department of Justice, the  
18 judge, or jury who are watching this videotape  
19 that the Brian Harrison letter was not drafted by  
20 either Mr. Harrison or yourself? Is there some  
21 reason you didn't tell us about that?

22                  MS. SILVERSTEIN: Object to form.

23                  THE DEPONENT: There's -- I don't --  
24 I don't think your statement is necessarily  
25 accurate.

1 BY MR. DEAN:

2 Q. Do you know who Jacobs Engineering  
3 is, and before that, they were known as CH2M?

4 A. Yes.

5 Q. Does CH2M Hill draft letters for  
6 NAVFAC and the Secretary of the Navy, as well as  
7 memos and technical memos and things like that  
8 which you and other NAVFAC employees edit before  
9 they're put in final form for the Secretary of the  
10 Navy, the Assistant Secretary of the Navy, and  
11 other NAVFAC employees?

12 A. I'm not sure I understand the  
13 question.

14 I mean, we do work with Jacobs,  
15 formerly CH2M Hill. They are one of our big  
16 contractors. We work on, you know, many, many  
17 sites with them.

18 They prepare documents for us. They  
19 make drafts. We work intimately with them.

20 I'm not aware of any of their  
21 projects going to the Navy secretariat, but  
22 perhaps. I'm just not aware of that.

23 Q. Well, you do know that 30 -- the  
24 testimony yesterday by Ms. Kim Henderson, who was  
25 a project engineer --

1                   Do you remember Ms. Henderson?

2                   A. I know her, yes.

3                   Q. And she testified yesterday, reading  
4                   the 10K report, that traditionally and  
5                   specifically in 2023, that 31 percent of the  
6                   16 billion-dollar gross income that Jacobs  
7                   Engineering had came from the federal government,  
8                   like the work that we're talking about here. Were  
9                   you aware of that?

10                  A. I was not aware of her testimony, nor  
11                  of that figure.

12                  MR. DEAN: All right. What was the  
13                  last exhibit number, Madam Court Reporter, that  
14                  was used so I know I've got --

15                  MS. SILVERSTEIN: It's 17.

16                  MR. DEAN: All right. So I'll need  
17                  to go with 18?

18                  THE COURT REPORTER: Yes.

19                  (Whereupon, Waddill Deposition  
20                  Exhibit 18, Analyses of Groundwater Flow,  
21                  Contaminant Fate and Transport, and Distribution  
22                  of Drinking Water at Tarawa Terrace and Vicinity,  
23                  U.S. Marine Corps Base Camp Lejeune, North  
24                  Carolina: Historical Reconstruction and  
25                  Present-Day Conditions, Response to the Department

1 of the Navy's Letter on: Assessment of ATSDR  
2 Water Modeling for Tarawa Terrace; ATSDR, Atlanta,  
3 Georgia, March 2009; 64 pages, was marked for  
4 identification.)

5

6 BY MR. DEAN:

7 Q. All right. I want you to take a look  
8 in the folder, please, Mr. Waddill, when it shows  
9 up and open up Exhibit 18.

10 A. Yes.

11 Q. Do you have it?

12 A. Got it.

13 Q. Okay. This is -- I've marked it as  
14 Exhibit 18 to your deposition, but it was  
15 Exhibit 14 to Ms. Henderson's deposition  
16 yesterday, and is a memorandum that was drafted by  
17 CH2M Hill -- it's Bates-stamped beginning CH38 --  
18 that was done --

19 MS. SILVERSTEIN: Kevin, you uploaded  
20 the wrong document. We've got the wrong document.

21 Our Exhibit 18 is the Response to the  
22 Department of Navy's Letter on: Assessment of  
23 ATSDR Water Modeling for Tarawa Terrace.

24 MR. DEAN: So I'm sorry.

25 Let me see. Hold on a second.

1                   Marked exhibits, 18.

2                   Yeah. Okay. We'll come back to that  
3 one. Let me go get the right one. I clicked the  
4 wrong one.

5                   To be marked.

6                   Exhibit -- yes.

7                   All right. I'm sorry about that.

8                   Take a look and see if you've got  
9 Exhibit 19 in there.

10                  MS. SILVERSTEIN: What should the  
11 Bates be?

12                  MR. DEAN: Say again?

13                  MS. SILVERSTEIN: What should the  
14 Bates be?

15                  MR. DEAN: Let's see. Exhibit --  
16 Exhibit 19 is CH38.

17                  MS. SILVERSTEIN: Okay. We've got  
18 that.

19                  (Whereupon, Waddill Deposition  
20 Exhibit 19, Memorandum: Subject: ATSDR Camp  
21 Lejeune Water Modeling; CH00000038-44, Disco ID  
22 448046-1 to 7, was marked for identification.)

23  
24 BY MR. DEAN:

25 Q. All right. So do you recognize this

1 memorandum draft, Mr. -- Dr. Waddill?

2 A. I see I commented on it.

3 Q. And do you recognize that it was a  
4 memo that was circulated around NAVFAC and went to  
5 Mr. Harrison and was a part of the foundation for  
6 the letter that you referred -- that you  
7 identified earlier?

8 Does that refresh your recollection?

9 A. No.

10 I mean, I'm not aware, nor can I tell  
11 in glancing at it, that this memo was used by  
12 Mr. Harrison to write the letter.

13 Q. Turn to page CH39, and let me see if  
14 this will help --

15 A. Okay.

16 Q. -- jog your memory.

17 Do you see the recommendations down  
18 at the bottom?

19 A. Uh-huh.

20 Q. The first one says, "Department of  
21 Navy should send a letter to ATSDR that clearly  
22 states our agreement with NRC's conclusions about  
23 the water model."

24 Do you see that?

25 A. I do.

1                   Q. And requests that "ATSDR cease water  
2 modeling efforts and adopt the NRC's suggestion to  
3 simplify their approach by categorizing as  
4 exposed, not exposed."

5                   Do you see that?

6                   A. Yes.

7                   Q. "Request that ATSDR provide detailed  
8 discussions on the" -- someone marked out  
9 uncertainties and input accuracy -- "of their  
10 model and practical limitations that prevent  
11 accurate reconstruction and historical exposure  
12 concentrations at Camp Lejeune."

13                  Do you see that?

14                  A. Yes.

15                  Q. Those are all -- they may not be  
16 worded the same way you have in the past, but  
17 those were all some of the criticisms, or at least  
18 some of them that you have had, you testified  
19 about today. Right?

20                  A. Yes.

21                  And I raised them again and again,  
22 and I've put them in writing again and again in  
23 different ways.

24                  Q. Right.

25                  Now, you've --

1                   Make sure there's not something else  
2 here I want to ask you about.

3                   Oh, go to CH42.

4                   A.    Okay.

5                   Q.    And I thought that you said you were  
6 just trying to evaluate and assist, provide input  
7 and have them, ATSDR, accept some changes and  
8 improve upon their work. I may be saying it a  
9 little bit differently, but isn't that what you  
10 said?

11                  A.    Yeah.

12                  That was the situation early on,  
13 because we were still in the process of figuring  
14 things out, and we wanted to work with them as  
15 effectively as we could.

16                  Q.    And if you take a look at the bottom,  
17 at Paragraph 2, Format for Review and Comment  
18 Section on CH42.

19                  Do you see the section there I'm  
20 referring to?

21                  A.    Yes.

22                  Q.    And it says, "Review and comment on  
23 facility-specific environmental matters." And you  
24 made a comment. And can you tell -- read that  
25 comment that you made there in the pink?

1           A. "I think Mary Ann has a point. ATSDR  
2 will wriggle out of this -- wiggle out of this."

3           Q. So now, was it your testimony  
4 earlier -- and I may have misunderstood -- that  
5 when you sent that 2009 letter, Brian Harrison  
6 sent it to Tom Sinks, that --

7           A. Well, wait. The letter I have is  
8 dated 2008.

9           Q. Okay. What, December? Or what's the  
10 date on that?

11          A. June 19, 2008.

12          Q. Okay. And you don't think you've  
13 seen a response to that or it was -- or the  
14 recommendations were not considered?

15           I can't remember exactly what you  
16 said, but you said something along the lines that  
17 you don't believe that those recommendations were  
18 ever accepted or responded to or something like  
19 that.

20           Do you remember what you said?

21          A. You know, I said at this point our  
22 recommendations were fairly mild.

23           And, you know, I think they did  
24 convene an expert panel. I noted that.

25           They did finalize the remaining

1 sections of the Tarawa Terrace report. I noted  
2 that.

3 Applying all lessons learned to  
4 Hadnot Point, I just noted that that was certainly  
5 something we thought would be worthwhile.

6 And improve communication, that was  
7 the fourth recommendation. I think they did make  
8 an effort at that.

9 As I stated earlier.

10 So the four recommendations that came  
11 out of this document, they did follow through on,  
12 you know, most of them.

13 MR. ANWAR: Kevin, we can't hear you.

14 MR. DEAN: Sorry.

15 Take a look at your Marked Exhibit  
16 folder and pull up Exhibit 20 I just put into the  
17 box.

18 And I actually -- let's see here.

19 This is the last question, so just  
20 bear with me. I've gotten the wrong document.

21 Well --

22 Okay. Here we go.

23 All right. It should be in there  
24 now. I'm sorry about that. I was having to find  
25 the marked version.

(Whereupon, Waddill Deposition  
Exhibit 20, Analyses of Groundwater Flow,  
Contaminant Fate and Transport, and Distribution  
of Drinking Water at Tarawa Terrace and Vicinity,  
U.S. Marine Corps Base Camp Lejeune, North  
Carolina: Historical Reconstruction and  
Present-Day Conditions, Response to the Department  
of the Navy's Letter on: Assessment of ATSDR  
Water Modeling for Tarawa Terrace; ATSDR, Atlanta,  
Georgia, March 2009; Contains Information Subject  
to Protective Order: Do Not Disclose to  
Unauthorized Persons; ATSDR\_WATERMODELING\_  
01-0000887461-887524, was marked for  
identification.)

18 | THE DEPONENT: Okay.

19 MR. DEAN: Through 887524.

20 THE DEPONENT: Okay.

22 BY MR. DEAN:

23 Q. Now if you turn to -- it's about the  
24 third page in. Bates stamp is 463.

You see a letter from Tom Sinks to

1 Brian Harrison. Right?

2 A. Yes.

3 Q. And it's dated March the 10th, 2009?

4 A. Yes.

5 Q. And he is responding to Harrison's  
6 letter dated June 19, 2008.

7 Do you see that?

8 A. Yes.

9 Q. Have you seen this response before  
10 today?

11 A. Not that I recall.

12 You're talking about this letter  
13 right here?

14 Q. Yes.

15 A. I mean, I may have, but if I did, I  
16 don't recall it.

17 A long time ago.

18 Q. Well -- well, you see it's very long  
19 and detailed.

20 And if you turn to about page 466,  
21 these are all the specific comments, some of which  
22 are yours or questions that derive from yours.

23 A. Okay.

24 Q. Do you see that?

25 A. Now, this -- this, I probably do

1 recall.

2 I thought you were referring to  
3 Dr. Sinks' letter.

4 Q. No. I was referring to -- my  
5 understanding is you were -- I can't see the  
6 exhibits because they weren't e-mailed. I'm not  
7 fussing, but I don't know exactly what letter you  
8 were handed.

9 I thought you were handed a letter  
10 from Harrison to Sinks.

11 A. Yeah. That is correct.

12 Q. Okay. And this is that response.  
13 Right?

14 A. Well --

15 Q. By ATSDR to Harrison.

16 A. Yeah.

17 I mean, it is a response to that  
18 letter. They say it is.

19 Q. That's right.

20 And you have or have not seen this?

21 A. Well, I believe I have seen their  
22 response, yes. But, you know, I'm just trying to  
23 familiarize myself with all these many pages here,  
24 so.

25 But, yes, I believe so.

1 Q. I understand.

2                   But on page 464, you're shown as  
3 being copied. You're the fourth to the bottom,  
4 D. Waddill.

5 A. Yeah.

6                   And I'm not saying I didn't get this  
7 letter. I'm just saying I didn't recall it.

8 Q. Well --

9 A. But I also am telling you that I  
10 recall seeing their response, which is many pages  
11 following that letter.

12                   So, you know, if I misunderstood your  
13 question --

14 Q. You testified --

15 A. -- originally, I apologize.

16 Q. No.

17                   You testified a few minutes ago in  
18 response to DOJ's questioning that -- that you  
19 were not aware of your concerns that were  
20 expressed in Brian Harrison's letter ever being  
21 addressed or -- or responded to by ATSDR.

22 A. That is incorrect. And we've --

23 Q. And responded --

24 A. That's incorrect, and we've already  
25 been over that.

1                   You know, I said that they did  
2 respond to the four recommendations in that  
3 letter.

4                   What they did not appear to respond  
5 to was other -- other concerns that came later.  
6 That was my previous testimony.

7                   Q. And these -- and this is those  
8 responses to your concerns that they're responding  
9 to in March of '09 before the NRC report is issued  
10 in June of '09. Right?

11                  A. That appears to be correct.

12                  Q. Did you, Mr. Harrison, anybody with  
13 the Navy, anybody with NAVFAC, did anybody respond  
14 to this March 10, 2009, letter and rebut any of  
15 the positions or take issue with any of the  
16 positions raised by ATSDR in this letter before  
17 the NRC report was issued?

18                  A. I don't know.

19                  I believe that I did respond to this  
20 letter. I'd have to look at it more carefully to  
21 be sure, but I do not recall the timing.

22                  MR. DEAN: Well, I'll tell you this:  
23 I anticipate resuming your deposition when all of  
24 your documents are produced.

25                  So we'll end the deposition today and

1 suggest that if you -- if and when we do  
2 reconvene, you might want to be prepared to show  
3 me where you respond, or Brian Harrison or anybody  
4 with the Navy, responded to this letter in some  
5 fashion.

6 So with that, I conclude this part of  
7 your deposition, and I certainly appreciate your  
8 time.

9 I'm sorry we went late, but I do  
10 appreciate the accommodation given the storm that  
11 we have here in the Low Country.

12 MR. ANWAR: And, Kailey, before we go  
13 off the record, I just want to put on the record  
14 that, you know, our understanding of this  
15 deposition is that it's closed. It happened.

16 You had the opportunity to ask your  
17 questions.

18 We're happy to meet and confer with  
19 you after the fact. But, you know, we don't agree  
20 with your characterization of the conclusion of  
21 the deposition.

22 MS. SILVERSTEIN: Additionally, these  
23 ATSDR documents are publicly available.

24 MR. DEAN: Yes. You're talking about  
25 all the documents that are being hidden on his

1 laptop, or are you talking about the document I  
2 have on the screen?

3 MS. SILVERSTEIN: Your questions  
4 regarding the ATSDR letters, these letters are all  
5 publicly available.

6 MR. DEAN: I got you.

7 Well, guys, I love doing business  
8 with you, but I don't believe we agree on much  
9 when it comes to the state of evidence in this  
10 case.

11 I understand your point, Haroon, and  
12 you guys have a great day.

13 MR. ANWAR: You, too.

14 THE VIDEOGRAPHER: This deposition is  
15 complete at 6:32 p.m.

16 (Signature was not waived.)

17 (Whereupon, the deposition of DAN  
18 WADDILL, Ph.D., was concluded at 6:32 p.m. EST.)

19

20

21

22

23

24

25

1 CERTIFICATE

2 I, Bobbi J. Case, RPR, CCR, and  
3 Notary Public for the Commonwealth of Virginia at  
4 Large, do hereby certify that prior to the  
5 commencement of the examination, DAN WADDILL,  
6 Ph.D., was duly sworn by me to testify to the  
7 truth, the whole truth, and nothing but the truth.

8 I DO FURTHER CERTIFY that the  
9 foregoing is a verbatim transcript of the  
10 testimony as taken stenographically by me to the  
11 best of my ability, at the time, place, and on the  
12 date hereinbefore set forth.

13 I DO FURTHER CERTIFY that I am  
14 neither a relative nor employee nor attorney nor  
15 counsel of any of the parties to this action, and  
16 that I am neither a relative nor employee of such  
17 attorney or counsel, and that I am not financially  
18 interested in this action.

19 

20 \_\_\_\_\_  
21 BOBBI J. CASE, RPR, CCR  
22 Notary No. 181018  
23 NCRA No. 837774, VCRA No. 0315042  
24  
25

1 DECLARATION UNDER PENALTY OF PERJURY  
2

3 I, DAN WADDILL, Ph.D., do hereby  
4 certify under penalty of perjury that I have read  
5 the foregoing transcript of my deposition  
6 testimony taken on August 6, 2024; that I have  
7 made such corrections as appear noted herein in  
8 ink, initialed by me; that my testimony as  
9 contained herein, as corrected, is true and  
10 correct.

11 Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
12 2024 at \_\_\_\_\_, Virginia.

13 \_\_\_\_\_  
14 DAN WADDILL, Ph.D.

15  
16 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:  
17 City/County \_\_\_\_\_

18 Subscribed and sworn to before me this  
19 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
20

21 \_\_\_\_\_  
22 Notary Public

23 MY COMMISSION EXPIRES:  
24

25 \_\_\_\_\_  
Golkow Technologies,

1 ERRATA SHEET

2 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

3 Change: \_\_\_\_\_

4 Reason for change: \_\_\_\_\_

5 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

6 Change: \_\_\_\_\_

7 Reason for change: \_\_\_\_\_

8 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

9 Change: \_\_\_\_\_

10 Reason for change: \_\_\_\_\_

11 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

12 Change: \_\_\_\_\_

13 Reason for change: \_\_\_\_\_

14 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

15 Change: \_\_\_\_\_

16 Reason for change: \_\_\_\_\_

17 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

18 Change: \_\_\_\_\_

19 Reason for change: \_\_\_\_\_

20 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

21 Change: \_\_\_\_\_

22 Reason for change: \_\_\_\_\_

23 \_\_\_\_\_

24 DAN WADDILL, Ph.D.

DATE

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Rules of Supreme Court of Virginia

Part Four - Pretrial Procedures

Depositions and Production at Trial

Rule 4.5

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 21 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion

to suppress under Rule 4:7(d)(4) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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